

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5

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In the Matter of:

**AUDIO VISUAL SERVICES GROUP, LLC,**

Employer,

and

**INTERNATIONAL ALLIANCE OF  
THEATRICAL AND STAGE EMPLOYEES,  
LOCAL 22,**

Petitioner.

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Case No. **05-RC-232347**

The above-entitled matter came on for hearing pursuant to notice, before **ANDREW ANDELA**, Hearing Officer, at the **National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., on Wednesday, December 19, 2018, at 9:00 a.m.**

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1	<u>E X H I B I T S</u>		
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P R O C E E D I N G S

(Time Noted: 10:15 a.m.)

1 HEARING OFFICER ANDELA: The hearing will be in order.  
2  
3 This is a formal hearing in the matter of Audio Visual  
4 Services Group, LLC, Case Number 05-RC-232347, before the  
5 National Labor Relations Board. The Hearing Officer  
6 appearing for the National Labor Relations Board is Andrew  
7 Andela.  
8

9 All parties have been informed of the procedures at  
10 formal hearings before the Board by service of a Description  
11 of Procedures in Certification and Decertification Cases with  
12 the Notice of Hearing. I have additional copies of this  
13 document for distribution if any party wants more.

14 Will the representatives for the parties please state  
15 their appearances for the record? And I'll start with the  
16 Petitioner?

17 MS. SIMON: Good morning. Jennifer Simon, O'Donoghue &  
18 O'Donoghue, on behalf of the Petitioner, IATSE Local 22.  
19 With me at counsel table is Kathleen Bichner and Caitlyn  
20 Davis.

21 HEARING OFFICER ANDELA: And for the Employer?

22 MR. SHANKMAN: Good morning. David Shankman from  
23 Shankman Leone for the Employer. With me is Attorney Michael  
24 Willats, and to my far left is Charlie Young, who is the  
25 chief human resources officer for Audio Visual Services

1 Group, LLC.

2 HEARING OFFICER ANDELA: Are there any other  
3 appearances?

4 MS. SIMON: On behalf of IATSE Local 22, Ryan Chavka,  
5 vice president of the Local.

6 HEARING OFFICER ANDELA: Are there any further  
7 appearances?

8 **(No response.)**

9 HEARING OFFICER ANDELA: Let the record show no  
10 response.

11 Are there any other persons, parties, or labor  
12 organizations in the hearing room who claim an interest in  
13 this proceeding?

14 **(No response.)**

15 HEARING OFFICER ANDELA: Let the record show no  
16 response.

17 I now propose to receive the formal papers. They have  
18 been marked for identification as Board Exhibit 1(a) through  
19 1(f) inclusive, Exhibit 1(f) being an index and description  
20 of the entire exhibit.

21 **(Board's Exhibits 1(a) through 1(f) marked for**  
22 **identification.)**

23 HEARING OFFICER ANDELA: This exhibit has already been  
24 shown to all parties. Are there any objections to receiving  
25 these exhibits into the record?

1 MS. SIMON: No objection.

2 MR. SHANKMAN: No objection.

3 HEARING OFFICER ANDELA: Hearing no objections, the  
4 formal papers are received in evidence.

5 **(Board's Exhibits 1(a) through 1(f) received in evidence.)**

6 HEARING OFFICER ANDELA: Are the parties aware of any  
7 other employers or labor organizations that have an interest  
8 in this proceeding?

9 MR. SHANKMAN: No.

10 HEARING OFFICER ANDELA: The Hearing Officer hears no  
11 further response.

12 And are there any pre-hearing motions made by any party  
13 that need to be addressed at this time? This may be time for  
14 you to register your position on the subpoena issue.

15 MS. SIMON: Thank you, Mr. Hearing Officer. We would  
16 like to register our position regarding the subpoena. And I  
17 will turn it over to Ms. Bichner.

18 MS. BICHNER: Yeah. Sir, respectfully the Union would  
19 like to take a few moments to provide its position relating  
20 to some information in possession of the Employer that was  
21 subpoenaed but omitted from the Employer's provision of some  
22 responsive documents yesterday evening. Although in its  
23 response the Employer made standard boilerplate objections to  
24 some of the Union's requests, namely alleged overbreadth,  
25 level of burden, and irrelevance of the documents, the

1 Employer has not filed a petition to revoke the subpoena.

2 The Union does not plan to challenge the insufficiency  
3 of response to each request nor hold up the hearing to seek  
4 enforcement of the subpoena in federal court. But there is  
5 some information in documents which have been withheld that  
6 the Union would like to highlight and discuss.

7 First, with regard to request number 4 of the subpoena,  
8 the Union requested that the Employer provide information  
9 showing the work schedules and/or hours of work of all  
10 employees employed by the Employer in the D.C. metro area.  
11 Although the Employer provided a payroll spreadsheet  
12 indicating the total number of hours worked by the employees  
13 within a given 2-week period, the Employer provided  
14 absolutely no information or documentation indicating the  
15 regular schedules of employees, their shifts or reporting and  
16 end times, the typical length of a given workday, nor any of  
17 the like that would speak to relevant considerations under  
18 the community of interest standard.

19 Given that this information is highly relevant to the  
20 Region's evaluation of this matter, we think that this  
21 information should have been provided by the Employer. To  
22 the extent the Employer refused to provide this information,  
23 the Union takes the position an adverse inference should be  
24 drawn against the Employer, assuming that the documents would  
25 show information harmful to its position. Moreover, the



1 Employer should not be permitted to rely on any information  
2 or documents it does produce in making an argument on this  
3 basis related to its position given that it has failed to  
4 include the documents and information on the basis that they  
5 were not relevant to this matter.

6 And in so doing, the Union relies on the precedent from  
7 the D.C. Circuit case *International Union, United Auto,*  
8 *Aerospace, and Agricultural Implement Workers of America v.*  
9 *NLRB*, in which the D.C. Circuit reversed and remanded a  
10 supplemental decision of the Board refusing to draw an  
11 adverse inference where the employer had refused to provide  
12 hiring records in an unfair labor practice case where it  
13 argued that the employees had been terminated or fired as  
14 part of a cost-cutting measure. On remand, the Board -- on  
15 remand, the court ordered the Board to strike the employer's  
16 cost-cutting defense unless it took advantage of a last  
17 chance to produce the documents in question, because such  
18 disposition flowed naturally from the adverse inference which  
19 the Board must attach to the Company's refusal to produce  
20 those documents in question.

21 Second, the Union requests, and this might be a point of  
22 discussion, further clarification regarding an employee title  
23 for which information relating to the position's job  
24 description and duties were requested but not provided, and  
25 that is, namely, that of the lead rigger position. To the

1 extent it reflects current practice, the Union would be  
2 willing to stipulate that the Employer does not currently  
3 employ any individuals in the lead rigger position. However,  
4 to the extent this is not the case, the Union asserts it  
5 should be provided with the information requested relating to  
6 this position, namely, the job description for that position  
7 and the duties of work for that position.

8 Third, the Employer has not fully responded to the  
9 Union's request that it provide any documents or information  
10 that show, relate, or refer to any training classes, vendor  
11 training provided to, paid by, or subsidized by the Employer  
12 for riggers, lead riggers, rigger supervisors, including but  
13 not limited to the list of attendees of those training  
14 classes or vendor trainings and descriptions of the training  
15 classes and/or vendor training.

16 Although the Employer provided a workbook and a  
17 slideshow which appear to relate to training, which prepares  
18 individuals aspiring to be riggers to go onto further  
19 training, it did not provide a list of attendees for the  
20 trainings at which those materials were used. Moreover,  
21 although the Employer provided a list of attendees for a  
22 training which appears to be a training provided by the  
23 Employer for approximately 3 days in Florida, it did not  
24 provide any description of the training or materials actually  
25 provided at that class.

1           Additionally, the Union is aware that the Employer has  
2   provided some training for its current riggers, not only  
3   those just training to be riggers. Yet the Employer has  
4   provided no documentation or information relating to this.  
5   This information is vitally relevant to the applicable  
6   community of interest standard given the need for significant  
7   evaluation of employees' relative skills, education,  
8   training, and certifications.

9           Once again, in light of the Employer's omission, the  
10   Union is of the position that an adverse inference should be  
11   drawn against the Employer, assuming that the documents would  
12   show information harmful to its position. Moreover, the  
13   Employer should not be permitted to rely on any information  
14   or documents it does produce in making an argument on this  
15   basis given that it has failed to include the documents and  
16   information on the basis that they were not relevant to this  
17   matter.

18          Fourth, the Employer has not fully responded to the  
19   Union's request that it provide any documents or information  
20   showing how and by whom all employees in the greater  
21   Washington, D.C. metropolitan area are supervised, including  
22   but not limited to documents relating to hiring and firing,  
23   discipline, recalling or promoting employees, as well as  
24   assigning or directing their work. Although the Employer  
25   provided a chart showing generally the Employer's supervisory

1 structure, it did not provide the identities of the specific  
2 individuals who fulfill those relevant roles.

3 Moreover, the Employer did not provide a single document  
4 demonstrating any individual's ability to hire or fire, for  
5 example, a signed termination notice; discipline, for  
6 example, a signed written warning; or the ability to recall  
7 or promote or assign or direct work. This information is  
8 plainly relevant given that it relates to the explicit  
9 factors set forth in not only statute but Board precedent  
10 evaluating the community of interest standard.

11 Given the Employer's refusal to provide any such  
12 information or documentation, the Union asserts that an  
13 adverse inference should be drawn against the Employer,  
14 assuming that the documents would show information harmful to  
15 its position. Moreover, the Employer should not be permitted  
16 to rely on any information or documents it does produce to  
17 support its position, namely, that the Employer cannot now  
18 attempt to set forth documents showing that supervisors of  
19 the excluded employees somehow have the ability to engage in  
20 these behaviors with regard to the rigging employees in the  
21 petitioned-for unit. If it had documents to show that this  
22 was the case, it would have done so. But, importantly, it  
23 did not.

24 In light of all this, the Union respectfully requests  
25 that the Region draw an adverse inference against the

1 Employer in relation to its failure to provide, despite a  
2 subpoena requesting as much information and documents related  
3 to the employees' hours and schedules of work, training  
4 provided to the employees, and information relating to  
5 supervisory abilities of any individuals employed by the  
6 Employer.

7 HEARING OFFICER ANDELA: Employer?

8 MR. SHANKMAN: The petition or the response isn't due  
9 until today, so I'm a little confused by counsel's argument.  
10 I mean I disagree with the representations of counsel. I  
11 think we have done a yeoman's job of and bent over backwards  
12 to provide as much information as we thought existed or that  
13 did -- that does exist that would be representative of the  
14 information that they're looking for. The bigger issue is  
15 they seem to be saying they don't want to delay the hearing  
16 and they seem to be relying on the fact that a petition to  
17 revoke wasn't filed. Well, a petition to revoke wouldn't be  
18 due until today, so we could certainly file a petition to  
19 revoke.

20 But it would be improper from the Employer's perspective  
21 and I believe under the law to create an adverse inference  
22 before a petition to revoke was necessary. And if the  
23 Union's position is such, that they're asking for an adverse  
24 inference, then we shouldn't have the hearing today. We  
25 should resolve the document issues. And by virtue -- so we

1 will go ahead and file our petition to revoke before close of  
2 business today, and then we can let that process work itself  
3 through and reconvene this hearing later.

4 What they seem to be saying is we don't want to hold up  
5 the hearing but we want you to draw an adverse inference  
6 without considering the petition to revoke, but we object to  
7 it, but we're not going to wait for a petition to revoke in  
8 order to proceed. I mean it just -- it's convoluted. It  
9 doesn't make sense. So if there is any inclination by the  
10 Board to draw an adverse inference on any issue -- by the  
11 way, a number of these issues will be hashed out through oral  
12 testimony today. But if there is any inclination to even  
13 consider the Union's request, we ask that this hearing be  
14 suspended. We'll go file our petition to revoke, and we can  
15 resolve the discovery issues.

16 HEARING OFFICER ANDELA: Thank you, Mr. Shankman. I'm  
17 going to defer ruling on that at least until after the  
18 preliminaries and then we can address that. So --

19 MR. SHANKMAN: Okay.

20 HEARING OFFICER ANDELA: Are there any other pre-hearing  
21 motions aside from the subpoena?

22 MS. SIMON: Not from the Petitioner.

23 MR. SHANKMAN: Not from the Employer.

24 HEARING OFFICER ANDELA: The answer -- all right, the  
25 official word is the filing date should be 12/7.

1 MR. SHANKMAN: Do you want to address then the list  
2 issue on the record? I think we probably should, because  
3 that means the list that we provided is not correct in terms  
4 of what the payroll existed in the preceding payroll date  
5 prior to the petition filing because we based it on the  
6 12/10, on the petition itself.

7 HEARING OFFICER ANDELA: And so do you have access to  
8 what the list would be at least for the petitioned-for unit,  
9 if not for everybody, to start with?

10 MR. SHANKMAN: Can I confer with my client?

11 HEARING OFFICER ANDELA: Um-hum. So we can go off the  
12 record.

13 **(Off the record from 10:29 a.m. to 10:39 a.m.)**

14 HEARING OFFICER ANDELA: Mr. Shankman, continue.

15 MR. SHANKMAN: It's the Employer's position that the  
16 petition to revoke would not be due until today. The Union  
17 filed a late subpoena request, so they have no basis to  
18 object that the petition to revoke should have been filed  
19 early. What we did was we provided documents in response to  
20 the subpoena that we thought were reasonable and appropriate  
21 while preserving our objections in the hope that we can get  
22 past this issue. And we provided that information a day  
23 ahead of when the rules otherwise require.

24 So it's the Employer's position that if the Union  
25 maintains their opposition to our objections and are

1 requesting an adverse inference, we request that these  
2 proceedings be suspended pending the filing of our petition  
3 to revoke, which we would do today and then we can resolve  
4 the discovery dispute, because if we don't take that approach  
5 and the Board determines that certain documents should have  
6 been provided or that some adverse -- or some testimony  
7 should be excluded or there should be an adverse inference on  
8 some testimony, then we've been deprived of our due process  
9 right to have that information in the advance of putting on  
10 testimony for our position here today.

11 So to me or to the Employer, from the Employer's  
12 perspective, our position is we can't have it both ways. If  
13 the Union wants to proceed with the hearing, we're ready to  
14 go. If the Union wants to maintain its objection or its  
15 subpoena request, we have the right to file our petition to  
16 revoke, and we should delay these proceedings until that's  
17 resolved.

18 Thank you.

19 MS. BICHER: And the Union, for the record, appreciates  
20 the Employer's provision of some of the documents in advance  
21 of the hearing. And then responding to the Employer's  
22 petition to revoke or their position generally regarding the  
23 Union's objections with the subpoena, the Union relies on  
24 well-established Board precedent and policy in matters such  
25 as this where the 5-day return period prescribed in the



1 regulation for the return of a petition to revoke is the  
2 maximum period and not necessarily the minimum period,  
3 especially in proceedings such as the one that we're involved  
4 here today.

5 Also addressing the Employer's point related to the fact  
6 that there may be testimony by some witnesses relating to  
7 subject matter that would have been contained in the  
8 documents that weren't provided, the Union would assert based  
9 on the precedent that it stated earlier, in the case *UAW v.*  
10 *NLRB*, in the D.C. Circuit, that simply because a witness is  
11 going to testify about that issue and the Hearing Officer  
12 finds that testimony credible does not mean that an adverse  
13 inference cannot be drawn based on the Employer's failure to  
14 provide documentary evidence speaking to that same subject  
15 matter.

16 And then, finally, with regard to the point of the  
17 Employer about the documents, part of the reason they weren't  
18 provided was based on burden because the documents are so  
19 voluminous, the Union would assert that unfortunately given  
20 the size of the unit proposed by the Employer, that that's to  
21 be -- that's to be expected.

22 HEARING OFFICER ANDELA: Mr. Shankman, anything in  
23 response?

24 MR. SHANKMAN: No.

25 COURT REPORTER: Was that a no? Was that a no?

1 MR. SHANKMAN: Yes, sorry.

2 COURT REPORTER: It was yes, it was a no.

3 MR. SHANKMAN: Correct, it was a no.

4 HEARING OFFICER ANDELA: So as I said, I'm going to  
5 proceed with the preliminaries and see if I can make a ruling  
6 of some kind before we get to the evidence. But just in time  
7 here, the parties to this proceeding have executed a document  
8 which is marked as Board Exhibit 2. It contains a series of  
9 stipulations, including among other items that Petitioner is  
10 a labor organization within the meaning of the Act, there is  
11 no contract bar as to the petitioned-for unit, and that the  
12 Employer meets the jurisdictional standards of the Board.

13 It's been executed, but are there any objections to the  
14 receipt of Board Exhibit 2 into evidence?

15 **(Board's Exhibit 2 marked for identification.)**

16 MS. SIMON: No, there are not.

17 MR. SHANKMAN: Not from the Employer.

18 HEARING OFFICER ANDELA: Board Exhibit 2 is received in  
19 evidence. And I will note that the parties have made a small  
20 change to item 9 and initialed it.

21 **(Board's Exhibit 2 received in evidence.)**

22 MR. SHANKMAN: By the way, if I may briefly? When  
23 counsel for the Union articulates the notion that we're  
24 trying to substitute testimony for documents, that's not what  
25 I said or what I intended. What I intend to bring out is we

1 obviously can't be made to create documents that don't exist  
2 so or -- and to the extent we maintain our objection, which  
3 we do obviously on the overbreadth of documents. But issues  
4 such as supervisory structure and other matters that they've  
5 raised will be resolved or testified to by multiple witnesses  
6 who will appear today just in terms of how the operation  
7 works.

8       So I think the answers will come clear. I don't  
9 reasonably think that there is going to be any true objection  
10 or disagreement with that type of testimony that they've  
11 asked for. So we're maintaining our position, but in an  
12 effort to try and get this thing done, like I said, I don't  
13 think we're trying to hide or come up -- withdraw that. I  
14 don't think we're debating over any document that is so  
15 pivotal to the issues involved here that it's going to  
16 disrupt or concern either party. But, nevertheless, we don't  
17 believe an adverse inference is appropriate.

18       HEARING OFFICER ANDELA: Are there any petitions pending  
19 in other Regional Offices involving other facilities of the  
20 Employer?

21       MS. SIMON: Not that the Union --

22       HEARING OFFICER ANDELA: So that we know of, right.

23       MS. SIMON: Not that the Union is aware of.

24       MR. SHANKMAN: There are none.

25       HEARING OFFICER ANDELA: And the parties are reminded

1 that prior to the close of the hearing, the Hearing Officer  
2 will solicit the parties' positions on the type, date, time,  
3 and location of the election, and the eligibility period and  
4 any applicable eligibility formulas, but will not permit  
5 litigation of these issues. So state your position for the  
6 record. The Hearing Officer will also inquire as to the need  
7 for foreign language ballots and notices. Please have the  
8 relevant information with respect to these issues available  
9 by the end of the hearing.

10 The parties have been advised that the hearing will  
11 continue from day to day as necessary until completed, unless  
12 the Regional Director concludes that extraordinary  
13 circumstances warrant otherwise.

14 The parties are also advised that upon request they  
15 shall be entitled to a reasonable period at the close of the  
16 hearing for oral argument. Post-hearing briefs shall be  
17 filed only upon special permission of the Regional Director.  
18 In addition, a party may offer into evidence a brief, memo of  
19 points and authorities, case citations, or other legal  
20 arguments during the course of the hearing and before the  
21 hearing closes.

22 The Employer has completed, and I have marked for  
23 identification as Board Exhibit 3, a Statement of Position  
24 and it's attendant -- attachments in this matter. Are there  
25 any objections -- and Petitioner, it was served on you I

1 believe when it was served -- when it was filed with the  
2 Region. It's the same document assumedly. Are there any  
3 objections to receipt of the exhibit into the record?

4 **(Board's Exhibit 3 marked for identification.)**

5 MS. SIMON: No objection from the Union.

6 MR. SHANKMAN: No objection from the Employer obviously.  
7 We created it.

8 **(Board's Exhibit 3 received in evidence.)**

9 MR. SHANKMAN: Although in reviewing our data, the  
10 Statement of Position in terms of the expanded unit  
11 identified the number as 400. It's actually closer to 500.  
12 I think the number is 553 based on the assumption of the  
13 December 10 date. That number could vary slightly  
14 theoretically --

15 HEARING OFFICER ANDELA: Okay.

16 MR. SHANKMAN: -- based on the December 7 date. So with  
17 that modification of the Statement of Position is the only  
18 thing I would add.

19 HEARING OFFICER ANDELA: If we could go off the record  
20 for one --

21 **(Off the record from 10:48 a.m. to 10:56 a.m.)**

22 HEARING OFFICER ANDELA: We just had a discussion off  
23 the record regarding Regional guidance on the subpoena issue.  
24 Briefly, the Region -- the Regional Director is not going to  
25 suspend the proceedings at this time. The petition to revoke

1 is due today, which is December 19th. It is not due before  
2 or during the course of the hearing session today. So,  
3 Petitioner, to the extent it wants to, has until the end of  
4 this calendar day to provide -- or to file the petition to  
5 revoke, and we can enter it tomorrow and address any new  
6 questions based on it.

7 We also talked about the mechanics and logistics of I  
8 guess, for lack of a better word, signaling where the Union  
9 would want adverse inferences to be drawn by making specific  
10 objections to the extent they can. And so we're going to try  
11 to have the record go that way so it gives the parties an  
12 opportunity to hash things out or discuss and maybe obviate  
13 the need for certain parts of the petition to revoke, and to  
14 give the Employer an opportunity to provide what Petitioner  
15 may be looking for to avoid an instant adverse inference or  
16 like an assumed adverse inference.

17 So that's kind of where we left it. So that's where we  
18 are. So we're going to go on with the hearing.

19 MR. SHANKMAN: Okay.

20 HEARING OFFICER ANDELA: And as issues come up, we will  
21 address them.

22 MS. SIMON: Thank you.

23 HEARING OFFICER ANDELA: Employer has requested  
24 sequestration of the witnesses.

25 MR. SHANKMAN: Yes.

1 HEARING OFFICER ANDELA: Petitioner?

2 MS. SIMON: The Petitioner does not feel that  
3 sequestration is necessary and would oppose the request. The  
4 sequestration at a pre-election hearing is typically not  
5 favored because it's a non-adversarial proceeding.  
6 Credibility is not at issue in the same way that it sometimes  
7 is in a ULP hearing. The hearing is open to the public, and  
8 the Union would request that there be no sequestration in  
9 these proceedings.

10 HEARING OFFICER ANDELA: Employer?

11 MR. SHANKMAN: The public is not going to testify, so  
12 there is no disagreement there. For a proceeding where  
13 they're asking for an adverse inference based on testimony or  
14 documents that are -- that may -- they may oppose or they may  
15 believe should have been produced initially, all have the  
16 inner workings and sound bites of a credibility  
17 determination. And since you have to make credibility  
18 determinations on any disputed issues or at least you have to  
19 observe and make recommendations based on your observations  
20 and based on the evidence submitted to maximize the  
21 likelihood of independent, uninfluenced testimony, witnesses  
22 should be excluded at least until after they testify. While  
23 I appreciate it is technically a non-adversarial proceeding,  
24 but it sounds pretty adversarial so far in terms of issues  
25 that are commonplace in adversarial proceedings. So we think

1 to -- and that goes for our witnesses as well, obviously.

2 We think their witnesses should not have the benefit of  
3 listening to all the testimony of our folks and listening to  
4 the testimony of their other witnesses because that just  
5 creates pattern testimony. It's just not necessary. We  
6 should maximize the integrity of these proceedings by keeping  
7 witnesses sequestered.

8 HEARING OFFICER ANDELA: Petitioner, do you have  
9 anything further?

10 MS. SIMON: The Union just repeats its position that the  
11 purpose of this hearing is fact finding. It's a  
12 non-adversarial proceeding. The parties have -- there seems  
13 to me to be no reason. If there's the dispute over the  
14 subpoena, is commonplace in most of these proceedings, there  
15 is no particular adversarial posture being taken that it's  
16 different from any kind of pre-election proceeding, and  
17 accordingly, the Union would repeat its request that the  
18 witnesses not be sequestered in this pre-hearing election  
19 proceeding -- pre-election proceeding, excuse me.

20 HEARING OFFICER ANDELA: I'm sorry. I may have missed  
21 it, but just I'll pointedly ask. Is there any reason in this  
22 case that the presence or that sequestration would interfere  
23 with the presentation of the case?

24 MS. SIMON: Would it interfere with the presentation of  
25 the case?



1 HEARING OFFICER ANDELA: Yeah.

2 MS. SIMON: I mean, again, it's a fact-finding hearing,  
3 and so we would just represent that the fullest airing of the  
4 facts would be appropriate to the presentation of the case.  
5 I think also, Mr. Hearing Officer, our understanding is that  
6 the Employer has said that it will be airing a time-lapse  
7 video as one of its exhibits. I think it's going to be  
8 extremely difficult for us certainly, and anyone who doesn't  
9 work for PSAV, to be able to understand that video and to be  
10 able to meaningfully evaluate it. So I think with respect to  
11 the Union's -- since that is something that is apparently  
12 going to be part of the Employer's evidence, I think it would  
13 be difficult for the Union to evaluate it and respond to it  
14 without somebody who would understand the video and be able  
15 to explain it.

16 HEARING OFFICER ANDELA: So I'm going to deny the  
17 sequestration motion. And I will cite to *Fall Rivers Savings*  
18 *Bank*, 246 NLRB 631, and the discussion therein. This is a  
19 non-adversarial proceeding. It is fact finding. And it is  
20 not a ULP hearing. It's not a matter of right --

21 MR. SHANKMAN: I understand.

22 HEARING OFFICER ANDELA: -- as in a ULP hearing. So --

23 MR. SHANKMAN: Understood.

24 HEARING OFFICER ANDELA: I'm going to deny the  
25 sequestration.

1 MR. SHANKMAN: Okay.

2 HEARING OFFICER ANDELA: Now, sir, turn to Board  
3 Exhibit 3, your Statement of Position and the attachments.  
4 I'd like if you can summarize for me the issues you've raised  
5 in the Statement of Position. And I can read off what's on  
6 there.

7 MR. SHANKMAN: I have it. Thank you, though. In terms  
8 of the issues in contention, what we put in the Statement of  
9 Position is that audio visual services technicians have a  
10 shared community of interest with the petitioned-for unit of  
11 riggers. In addition, the geographic scope of any  
12 appropriate unit is the Employer's employees in Washington,  
13 D.C., Maryland, and Northern Virginia. And what our -- to  
14 the extent this is the equivalent of a semi-opening argument,  
15 what our position is, is this, fairly simple.

16 These audio visual technicians, the evidence that you're  
17 going to get today demonstrates that audio visual technicians  
18 and riggers are both interchanged operations or interchanged  
19 workforces as well as integrated workforces. Their community  
20 of interest is substantial. They work side by side. They  
21 have shared skills. They have identical supervision. They  
22 have commonality in terms of terms and conditions of  
23 employment and including employee benefits. They have  
24 overlapping wage structures to some extent. And for all  
25 reasons long consistent with Board history and Board

1 precedent, if there is any vote to occur in terms of outside  
2 representation, it should encompass those with a community of  
3 interest, which would include the technicians together with  
4 the riggers. We call them AV techs. We call them  
5 technicians. But it's all referring to that group.

6 To the extent it's outside the -- I think we were off  
7 the record. Counsel for the Union identified in the petition  
8 the greater D.C. metropolitan area actually includes the -- I  
9 don't remember the exact counties, but the nearby counties in  
10 Maryland -- sorry, I appreciate is a horrible description --  
11 the area of Northern Virginia, and obviously the District.  
12 So there's no confusion or there's no disagreement about the  
13 District and Northern Virginia. We would encompass all of  
14 Maryland just based on the location of our operations and our  
15 employees in Maryland. There is significant transfer among  
16 Maryland, D.C., and Northern Virginia of our workforce, both  
17 in terms of the riggers themselves in addition to the audio  
18 visual technicians.

19 What the evidence is going to present that we will  
20 identify both in terms of documents and testimony will  
21 clearly establish a substantial interchange of employees  
22 among all the different properties in which PSAV operates.

23 HEARING OFFICER ANDELA: And I'll just say there is also  
24 the first item is the petitioned-for unit of 30 exceeds the  
25 number of employees.

1 MR. SHANKMAN: I'm sorry.

2 HEARING OFFICER ANDELA: Is that --

3 MR. SHANKMAN: I don't know exactly who they're  
4 referring to. This is something I assume we can resolve  
5 amongst ourselves based on records. Our number from our  
6 payroll records, our business records shows 22 in the  
7 D.C./Maryland -- I'm sorry the D.C./Northern Virginia group.  
8 And off the record there was a conversation there's one  
9 additional rigger in Maryland who also, consistent with my  
10 earlier statement about the interchange, this individual  
11 works in D.C., works in Northern Virginia, et cetera So if  
12 there is a, if there is a unit limited to riggers, we think  
13 he should be added. I don't think counsel objects to that.

14 HEARING OFFICER ANDELA: We'll start with that discrete  
15 issue. Do you object to the inclusion of the 23rd rigger?

16 MS. SIMON: So the Union, I think, would proceed to an  
17 election if the Regional Director were to order an election  
18 of a unit of riggers, the riggers and rigging supervisors to  
19 include that one additional employee. I don't think that's  
20 quite the same thing as saying that the Union has no  
21 objection to inclusion of that one person. I think the  
22 evidence will show that there is not as much interchange  
23 between that person and the other folks that are in the D.C.  
24 metropolitan area. And so I don't think we would agree to  
25 that at this point, but I do think that it would be resolved.

1 HEARING OFFICER ANDELA: Okay.

2 MS. SIMON: We would not refuse to go to an election in  
3 the circumstance that the Regional Director were to order  
4 inclusion of that additional person.

5 HEARING OFFICER ANDELA: So I think this issue is  
6 actually our perhaps only opportunity to identify an issue  
7 that is possibly deferrable until a post-election proceeding.  
8 Would the parties stipulate that if the Regional Director  
9 finds the petitioned-for unit appropriate and geographic  
10 jurisdiction is not necessarily resolved, would the parties  
11 stipulate that that individual could vote subject to  
12 challenge?

13 MR. SHANKMAN: The Employer would so stipulate.

14 MS. SIMON: The Union would stipulate that as well.

15 HEARING OFFICER ANDELA: Thank you. All right, so now  
16 back to the big picture. Mr. Shankman has identified the  
17 issues raised in the position statement, so if I could get  
18 Petitioner's position, there's a couple of -- you know,  
19 before I get that, we kind of talked about this early, are  
20 you able at this time to identify how many individuals are  
21 currently employed in each classification you identified in  
22 attachment C?

23 MR. SHANKMAN: Subject to the change in the date, the  
24 December 10 to December 7, which could impact it within a  
25 very small percentage, I'm sure it would be very minor if at

1 all, there are 553 audio visual -- actually 552 audio visual  
2 technicians outside the petitioned-for unit. There is one  
3 rigger outside the petitioned-for unit. So the number of  
4 individuals we seek to add to the petitioned-for unit is 553.  
5 And in our Statement of Position, we put 400. That was  
6 before we got a better grasp of the numbers.

7 In terms of the petitioned-for unit, we can't -- we  
8 don't know where the 30 number for the Union is coming from,  
9 as I indicated earlier. I would think that we can work that  
10 out. We believe that number is appropriate, is 22 in terms  
11 of the group that they've asked to represent.

12 MS. SIMON: And in response, the Union would say that  
13 the list of individuals, and I believe it was attachment B to  
14 the Employer's position statement, looks almost entirely if  
15 not entirely accurate to the Union. The Union put in 30,  
16 again, before we had a better grasp of the numbers as did the  
17 Employer. So I don't think we'll have any difficulty. There  
18 may be one or two folks depending on eligibility dates, et  
19 cetera But I don't think that there will be any meaningful  
20 dispute. We should be able to resolve that issue.

21 MR. SHANKMAN: Okay.

22 HEARING OFFICER ANDELA: And, Mr. Shankman, so if I  
23 could have you clarify. Attachment C lists a number of  
24 employees, and underneath I believe it identifies their  
25 positions. And is Employer's position that all of the

1 classifications listed on attachment C fall under the heading  
2 of --

3 MR. SHANKMAN: Under the rubric of audio visual  
4 technician?

5 HEARING OFFICER ANDELA: Yes.

6 MR. SHANKMAN: I believe so. Let me look at it real  
7 quick. Or do you mind if I look at yours real fast instead  
8 of us pulling it up? That could speed things along.

9 HEARING OFFICER ANDELA: Yeah, no problem. I can --

10 MR. SHANKMAN: Oh, you've got that long list, okay.

11 HEARING OFFICER ANDELA: Yeah. I don't have anything --

12 MR. SHANKMAN: Yes. But I know what that list consists  
13 of.

14 HEARING OFFICER ANDELA: Okay.

15 MR. SHANKMAN: Everyone within the classifications are  
16 all within the rubric of an audio visual technician.

17 MS. SIMON: Could the Union just ask for clarification  
18 on how many of these classifications there are that all fall  
19 under this AV umbrella?

20 MR. SHANKMAN: That I don't know off the top of my head.  
21 I don't know why it's particularly relevant, but they're all  
22 within that audio visual technician group. We'd have to sit  
23 and count it.

24 HEARING OFFICER ANDELA: Well, here's a question. Is  
25 someone going to testify as to the duties of each

1 classification that appears on attachment C, or is it a  
2 broader --

3 MR. SHANKMAN: I don't think it's necessarily duties  
4 based. I think it's more skills based.

5 HEARING OFFICER ANDELA: Okay.

6 MR. SHANKMAN: Just by way of example, you could have a  
7 technician who knows how to operate or set up a microphone,  
8 and so he would generally be an audio technician. But you  
9 can have what's called an A-1, which is the highest level  
10 audio technician, who's got a different set of skill sets.  
11 That gives them the opportunity to run a soundboard, set more  
12 complex equipment, et cetera. So I think it's more skill  
13 based than anything else.

14 HEARING OFFICER ANDELA: All right. So a couple of  
15 abbreviations that I see here I hope you can clarify. HTL?

16 MR. SHANKMAN: HTL?

17 HEARING OFFICER ANDELA: It says technical supervisor  
18 HTL and BR.

19 MR. WANAMAKER: Oh, hotel.

20 HEARING OFFICER ANDELA: Hotel. And what's BR?

21 MR. WANAMAKER: Branch.

22 HEARING OFFICER ANDELA: Branch. And he's going to want  
23 your name.

24 MR. WANAMAKER: Kevin.

25 MR. SHANKMAN: Kevin Wanamaker, W-a-n-a-m-a-k-e-r, is



1 the individual that just spoke.

2 HEARING OFFICER ANDELA: We can do this again through  
3 testimony but --

4 MR. SHANKMAN: And hotel and branch, so again, this  
5 would come up in testimony. But hotel and branch, so that  
6 you understand, is PSAV operates as an in-house AV provider  
7 with the riggers work as well in hotels. And then they have  
8 what's called a branch operation, which supports hotels and  
9 supports non-hotel venues. So individuals who are assigned  
10 to either hotel locations, they may be assigned to branch  
11 locations or to the branch location, they may be assigned to  
12 both for some reason, or over a period of time they may have  
13 been assigned to both.

14 HEARING OFFICER ANDELA: So it isn't always --

15 MR. SHANKMAN: But hotel and branch is not a  
16 classification. It's a, it's a location.

17 HEARING OFFICER ANDELA: Okay. All right. So  
18 Petitioner, I guess if I -- if we could -- the record could  
19 get your position on the community of interest issue raised?

20 MS. SIMON: Sure. The Union has filed a petition  
21 seeking an election in a bargaining unit consisting of all  
22 full-time and regular part-time riggers, lead riggers, and  
23 rigging supervisors employed by PSAV, working within the  
24 geographic jurisdiction of Local 22, Washington, D.C., its  
25 Maryland suburbs, and Northern Virginia. Generally, the

1   Petitioner's desire as to the composition of the unit is a  
2   relevant consideration, although admittedly it is not  
3   dispositive.

4           In this case, PSAV argues that the petitioned-for unit  
5   is not sufficiently distinct from the 553 excluded employees  
6   to warrant a separate appropriate unit. Specifically, PSAV  
7   argues that the unit must include all of what it refers to as  
8   audio visual technicians in order to be an appropriate unit.  
9   As the Hearing Officer has noted, while PSAV refers to these  
10   excluded employees as audio visual technicians, its own  
11   attachment C to the position statement shows that this is a  
12   broad umbrella term which would add what appears to be dozens  
13   of job classifications and over 500 additional employees to  
14   the bargaining unit.

15           The evidence will show that the riggers share a  
16   community of interest that is sufficiently distinct from the  
17   employees excluded from the petitioned-for unit to warrant a  
18   finding that the petitioned-for unit constitutes a separate  
19   appropriate unit. The riggers are part of a separate  
20   department within PSAV, the rigging team. They have distinct  
21   skills that are required to install trusses and motors to the  
22   ceilings at arenas, hotels, concerts, conventions centers,  
23   and other entertainment venues. They are responsible for  
24   safely suspending this equipment overhead for events and  
25   safely removing them after events.

1        Rigging is a highly specialized operation subject to its  
2        own client requests and standard practices by PSAV. Riggers  
3        have specified training both within and without the Company.  
4        They use distinct equipment and tools that are used by no  
5        other classifications. They are separately supervised by  
6        rigging coordinators and a regional rigging manager. They  
7        have separate rigger-only schedules. They work at only a  
8        tiny fraction of the Employer's facilities. They have little  
9        temporary or permanent interchange with the audio visual  
10       technicians. They are more highly paid than audio visual  
11       technicians. And riggers alone receive a 4-hour minimum call  
12       pay, which means that they are guaranteed a minimum of  
13       4 hours wages if they show up to a job. And the bargaining  
14       unit -- bargaining history, excuse me, supports a separate  
15       unit of riggers.

16       The Union anticipates that PSAV will rely on a  
17       functional interchange and frequency of contact argument to  
18       argue that a riggers-only unit is inappropriate, namely, that  
19       certain audio visual technicians will attach AV equipment to  
20       the trusses and motors, which will then be hoisted by the  
21       riggers. The Union believes that the evidence will show that  
22       there are some limitations to this argument.

23       First, the riggers more often than not do not work with  
24       PSAV audio visual technicians. Rather, they are working  
25       alongside audio visual technicians from other companies that

1   come into the hotels and other properties to provide these  
2   services.  Second, when they are working with PSAV's audio  
3   visual technicians, it is only a small fraction of the  
4   multiple hundreds of employees PSAV seeks to include in the  
5   bargaining unit.  And, finally, the Union believes that the  
6   evidence will show that any contact or integration that does  
7   exist cannot overcome all of the factors that weigh in favor  
8   of a finding that a separate unit of riggers would be an  
9   appropriate unit.

10       The Union respectfully submits that the unit is  
11   appropriate and the election should proceed as soon as  
12   possible.

13       HEARING OFFICER ANDELA:  Thank you.  And as to the  
14   geographic scope, we addressed as to riggers, if obviously  
15   there's a lot of employees that will be added regardless of  
16   whether we consider all of Maryland or just some other part  
17   of Maryland yet to be defined.  So your position on that I  
18   think is probably going to be tied into other things that  
19   come up, questions I have to ask before the end of the  
20   hearing.  So if you have a position on the geographic scope  
21   right now, we can identify it.  But I'm not sure how  
22   necessary it is at the moment.

23       MS. SIMON:  I think we would reserve at this point.

24       HEARING OFFICER ANDELA:  Do the parties think there is  
25   anything else we need to discuss before going into

1 presentation?

2 MR. SHANKMAN: Not the Employer.

3 MS. SIMON: Not for the Union.

4 HEARING OFFICER ANDELA: So the Regional Director has  
5 directed that the issue that will be litigated in this  
6 proceeding is community of interest, whether the petitioned-  
7 for unit is appropriate or whether, as the Employer has  
8 argued in its Statement of Position, there are additional  
9 employees that should be included based on shared community  
10 of interest with the riggers in the petitioned-for unit.

11 There are no issues that have been identified not to be  
12 litigated. Everything you raised in your Statement of  
13 Position is what we're here to do. So but to the extent you  
14 attempt to raise any arguments during the course of the  
15 proceeding, it may be precluded because it was not contained  
16 in the Statement of Position.

17 All right, so Employer, if you are ready, please present  
18 your first witness -- I'm sorry. You both gave what appeared  
19 to be opening statements. Is there any additional opening  
20 statement either party would like to make?

21 MR. SHANKMAN: Not from the Employer.

22 MS. SIMON: Not from the Union. Could we take 2 minutes  
23 off the record?

24 **HEARING OFFICER ANDELA: Oh, of course, yes. Off the**  
25 **record.**

1    **(Whereupon, at 11:23 a.m., a lunch recess was taken.)**

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1                    A F T E R N O O N     S E S S I O N

2                    (Time Noted: 12:39 p.m.)

3            HEARING OFFICER ANDELA: I'm just going to introduce  
4 what we're talking about here. The parties are entering  
5 three documents into evidence, Joint Exhibit 1, 2, and 3.  
6 And Mr. Shankman is going to describe what they are.

7            MR. SHANKMAN: I'm not sure I agree with the opening  
8 comment on that, but let me just walk it through --

9            HEARING OFFICER ANDELA: Which part?

10           MR. SHANKMAN: -- and then we could decide on how to  
11 proceed. Joint Exhibit 1 is an agreement between Local 22  
12 and PSAV applicable to the Marriott Wardman Park Hotel and  
13 the Washington Hilton Hotel. Based on the petitioned-for  
14 unit, it's a joint exhibit. I don't believe it's  
15 particularly relevant. I do think it's helpful to understand  
16 the relationship from the parties, but I don't think it's  
17 relevant to any proceedings based on the terminology of the  
18 petitioned-for unit.

19           Joint Exhibit 2 is an agreement that IATSE and PSAV  
20 refer to as a national agreement of which multiple locals  
21 are -- multiple local unions are participants through an  
22 addendum that's attached to the agreement. Local 22 is one  
23 of those agreements. And off the record, counsel and I have  
24 spoken, I believe with your involvement as well, Mr. Hearing  
25 Officer, and we all agreed that the language of the petition

1 that included the phrase agreements with Local 22 -- yeah,  
2 agreement with Local 22 encompasses that national agreement  
3 as well. Correct?

4 MS. SIMON: That's accurate.

5 MR. SHANKMAN: And that's Joint Exhibit 2. For the same  
6 reason, because we're not dealing with anybody covered under  
7 local -- under the national agreement, I think it lands in  
8 the same box as Joint Exhibit 1, helpful yet not particularly  
9 relevant to any issue in dispute in these proceedings.

10 Joint Exhibit 3 is an agreement -- is a collective  
11 bargaining agreement with Local 19 covering employees or what  
12 the Union calls over-hire employees, extra labor brought to  
13 one hotel in Baltimore. There, because that agreement  
14 includes one employee from Local 19 who is a full-time  
15 employee of PSAV, any expanded unit would include the other  
16 PSAV employees at that hotel, but the contract would serve as  
17 a bar to covering the one union employee at that hotel, whose  
18 name is Roger Easter. So I do think the Local 19 is relevant  
19 for purposes of understanding the relationship with employees  
20 in Baltimore, if the Regional Director agrees the expanded  
21 unit to Baltimore is appropriate.

22 HEARING OFFICER ANDELA: And, Ms. Simon, do you have a  
23 different position on the relevance?

24 MS. SIMON: I believe that the agreements are likely  
25 relevant because the Employer has raised this contract bar



1 issue, and in terms of the Regional Director being able to  
2 sort through that issue because the unit description again by  
3 definition excludes employees covered by a collective  
4 bargaining agreement with Local 22. So, again, that would  
5 like make these relevant.

6 And then, finally, we would argue that we will discuss  
7 it further that these are relevant in terms of the parties'  
8 bargaining history. But in terms of this particular -- in  
9 terms of this particular point in the hearing, I think we've  
10 just agreed to stipulate them all into evidence as Joint  
11 Exhibits 1 through 3, and I think that's appropriate.

12 MR. SHANKMAN: Okay. Well, I don't agree to stipulate  
13 them into evidence. I think Exhibit 3 is -- I'll stipulate  
14 to that into evidence. The other two, I don't agree that  
15 they should be admitted into evidence based on the discussion  
16 we just had, particularly counsel just said it's relevant to  
17 the parties' bargaining history. There is no bargaining  
18 history, which we've stipulated to in whatever the earlier  
19 document -- in that stipulation document. So I don't want to  
20 belabor the point. I don't think it's particularly important  
21 in the grand scheme of things. I'd love to get started, so  
22 however you rule is fine with us.

23 HEARING OFFICER ANDELA: If we change it to Petitioner  
24 Exhibits 1 through 3, would you formally object to their  
25 going in?

1 MR. SHANKMAN: I would not.

2 **(Petitioner's Exhibits 1 through 3 marked for**  
3 **identification.)**

4 HEARING OFFICER ANDELA: Okay. So I'm going to cross  
5 out Joint, write Petitioner. And I will allow them into  
6 evidence.

7 **(Petitioner's Exhibit 1 through 3 received in evidence.)**

8 MR. SHANKMAN: Great.

9 MS. SIMON: Thank you.

10 HEARING OFFICER ANDELA: And finally Board Exhibit 2, we  
11 mentioned a little change. It now reads that any unit found  
12 appropriate by the Regional Director should include all  
13 full-time and regular and casual part-time riggers, lead  
14 riggers, and rigging supervisors working on jobsites in the  
15 geographic jurisdiction of IATSE Local 22, except for those  
16 otherwise covered by a collective bargaining agreement with  
17 IATSE Local 22. And, Petitioner, we discussed that this is  
18 tantamount to an amendment of the petitioned-for unit. So if  
19 you would just confirm?

20 MS. SIMON: I will confirm that this is the petitioned-  
21 for unit as amended this morning.

22 HEARING OFFICER ANDELA: All right. Mr. Shankman, you  
23 may call your first witness.

24 MR. SHANKMAN: Employer calls Kevin Wanamaker.

25 HEARING OFFICER ANDELA: Mr. Wanamaker, if you could

1 please raise your right hand?

2 (Whereupon,

3

**KEVIN WANAMAKER**

4 was called as a witness by and on behalf of the Employer and,  
5 after having been duly sworn, was examined and testified, as  
6 follows:)

7 HEARING OFFICER ANDELA: All right, Mr. Shankman.

8 MR. SHANKMAN: May I? Thank you.

9

**DIRECT EXAMINATION**

10 Q. BY MR. SHANKMAN: Would you state your name, please.

11 A. Kevin Wanamaker.

12 Q. Kevin, are you currently employed by PSAV?

13 A. Yes, I am.

14 Q. In what position?

15 A. I'm the divisional vice president.

16 Q. Do you have a particular territory?

17 A. I currently oversee the northeast.

18 Q. All right. What is the northeast, for purposes of this  
19 hearing?

20 A. From Virginia up to New England.

21 Q. Just a little bit of background. How long have you  
22 worked in the AV industry?

23 A. I've worked for PSAV for 19 years. Prior to that, I  
24 did -- I had another 2, 3 years of audio production work.

25 Q. When you say you worked for PSAV for 19 years, were you

1 a divisional vice president the whole time?

2 A. No. I started as a technician, where I worked as a  
3 technician down in Florida before moving up to Washington,  
4 D.C. in 2001, still as a technician, before moving into the  
5 role of an assistant director and then a director. Gradually  
6 worked up to larger properties as a director before becoming  
7 what we call a team leader, which is supporting multiple  
8 venues. And then an area manager, which is supporting a  
9 market, overseeing originally D.C. and Maryland. In 2012 I  
10 became the RVP for the Maryland region.

11 Q. I'm sorry. RVP?

12 A. Sorry, regional vice president.

13 Q. Okay.

14 A. With the Maryland region. And then 3 years ago, I came  
15 back to Washington, D.C. as the regional vice president for  
16 Washington, D.C., before transitioning in September to my new  
17 role as divisional vice president.

18 Q. You used the term "a director." A director of what?

19 A. So it's director of event technology, overseeing all of  
20 the event technology taking place in that hotel, so  
21 overseeing the AV equipment, being audio, video, lighting,  
22 internet, power, rigging, anything to do with production of  
23 an event.

24 Q. Okay. You used the terminology "production of an  
25 event." What does that mean for people outside of your day-

1 to-day role?

2 A. Sure. So for any customer coming into the hotel venue,  
3 they are putting together whether it's a meeting, a  
4 conference, a press conference, a party, any number of  
5 different types of events. So we are tasked with providing  
6 whatever their needs are, whether that's the microphones that  
7 they're speaking into, screens, projectors, lighting. It  
8 varies depending on the event and the size and the scope.  
9 But, overall, we are executing whatever their vision is for  
10 their overall production, their event.

11 Q. And, generally speaking, what is the -- who is the  
12 highest-ranking employee typically at a hotel where PSAV is  
13 the provider of those services?

14 A. Sure. Any venue we're in-house, the director of event  
15 technology oversees all of our operations in that venue.

16 Q. Does that -- does the director oversee the rigging  
17 operations as well?

18 A. Yes, they do.

19 Q. You're familiar with the Gaylord Hotel here in town?

20 A. Very.

21 Q. Who is the director at the Gaylord?

22 A. It's Carl Turner.

23 Q. Are there riggers that work at the Gaylord on a regular  
24 basis?

25 A. Yes, there are.

1 Q. Who do they report to?

2 A. They report to Chad Houseknecht is the rigging  
3 coordinator there.

4 Q. Okay. Do they report to anybody else?

5 A. No. They report directly to Chad.

6 Q. Is there any supervisory relationship by the director  
7 over the riggers?

8 A. Yes. Chad reports to Carl.

9 Q. Now, can you give us a general description of what  
10 rigging work is in the PSAV context?

11 A. Sure. Rigging work would be any overhead hanging, over  
12 6 feet or above, and attaching any equipment or fixtures to  
13 the structure of the building.

14 Q. So overhead hanging of 6 feet, does that mean the  
15 ceiling has to drop down 6 feet?

16 A. No. So it could be ground supported as well, so  
17 anything, you know, ground-supported truss, anything we're  
18 hanging overhead of people we consider rigging.

19 Q. Okay. So above people, not necessarily from a ceiling.

20 A. Correct.

21 Q. Is there -- you used the term "ground supported." What  
22 is the -- could you just -- and try --

23 A. Sure.

24 Q. I know you're new to this. Try and slow down a little  
25 bit.

1 A. Okay.

2 Q. Can you just give us an explanation of what "ground  
3 supported," I think the word "truss" came out.

4 A. Sure. So any time we need equipment to be up higher  
5 than the ground, instead of putting it on a table or anything  
6 like that, we need to get it up over people's heads for any  
7 number of reasons; we have to hang it from something or  
8 support it in some fashion. So if it's a projector which we  
9 need to put up on top of a stick of truss or hang from a  
10 point in the ceiling in some fashion, or lights or speakers,  
11 any of our AV equipment, we are hanging it in some form so  
12 that it doesn't fall on people.

13 Q. You used the terminology a "stick of truss." Can you  
14 describe that for us?

15 A. Sure. So a stick of truss is it's a metal structure  
16 which is designed to support weight. It can either be used  
17 to hang from a ceiling or it can be used on the ground to  
18 raise something up. It could be used in different -- as  
19 different structures as part of scenery. It is -- truss is  
20 something that's a little different in that it's just a --  
21 it's a structure in itself, but it's also used to support  
22 other things, and it's also used sometimes for design and  
23 scenic.

24 Q. Is mounting a projector on a stick of truss, I think you  
25 said above people's heads, is that considered rigging in the

1   PSAV world?

2   A.   Yes.

3   Q.   You also used the term "a fixed point."  What's a fixed  
4   point?

5   A.   Sure.  So with rigging and our venue partners, we have  
6   had the opportunity to install what we call fixed rigging  
7   points, which are essentially -- it's attached to the  
8   structure permanently so that we can -- it's a hook that's  
9   part of -- attached into the steel of the building so that we  
10   can go up and attach either a motor or a chain or equipment  
11   in some different form.  So that it is something that we can  
12   just go up and connect into, and then we can hang from that  
13   point, and it's part of the structure of the building.

14  Q.   Who put those points in?

15  A.   We have a rigging install team, a rigging install  
16   division that comes in and installs those points.

17  Q.   Is the rigging install team the same group of employees  
18   that we're talking about here today?

19  A.   No.

20  Q.   They're just different.

21  A.   Yeah, correct.

22  Q.   Is there a rigging --

23       HEARING OFFICER ANDELA:  Let me just clarify.  You mean  
24   from the petitioned-for unit as opposed --

25       MR. SHANKMAN:  From the petitioned-for unit, correct.



1 Q. BY MR. SHANKMAN: Does the rigging install team, is  
2 there one for each region that does work or is it --

3 A. No.

4 Q. Is it broader?

5 A. It's broader. They would generally travel to the  
6 different venues where we need to have an installation done.

7 Q. And the term "venue" that you're using, a common term --

8 A. Sure.

9 Q. -- is what?

10 A. It's a hotel. The majority of our venues that we  
11 operate in and specifically in the D.C., Maryland, Virginia,  
12 they're all hotels with one exception, which is a small  
13 conference center.

14 Q. Okay. Is the -- off the top of your head, do you have a  
15 general idea of how many hotels or venues that you supervise  
16 in the Maryland, Northern Virginia, District of Columbia  
17 area?

18 A. Currently, it's roughly 85 venues or hotels.

19 Q. All right. Now, so you've described -- I'm sorry. Then  
20 the rigging work, you also used a term I thought that had the  
21 word "sky" in it. I don't remember what the term was.

22 A. Sure. A sky hook.

23 Q. Okay. What's a sky hook?

24 A. So a sky hook is also known as BusPort. I think it's a  
25 brand name. It's essentially a point --

1 MS. SIMON: I'm sorry, excuse me. Can you say that  
2 again? Sky hook is also known as a?

3 THE WITNESS: BusPort.

4 MS. SIMON: BusPort?

5 THE WITNESS: Yeah.

6 MS. SIMON: Thank you.

7 THE WITNESS: Yeah, I think B-u-s-s-p-o-r-t [sic], I  
8 think. So that is -- that is something that's not typically  
9 installed by our rigging installation team. Often, the  
10 hotels themselves will install rigging points. And I guess I  
11 should probably clarify that we haven't always installed all  
12 of the points in our venues, to my knowledge. Sometimes they  
13 will be installed building the hotel by a general contractor.  
14 We will make recommendations and they may install them,  
15 themselves. But then our rigging installation team will come  
16 in and examine them. Similarly with BusPorts and sky hooks.  
17 We don't install those. Those are generally installed by a  
18 general contractor. And it's essentially a small device  
19 which is connected to the building, that drops down, and it's  
20 designed for basic what we call static rigging or, sorry --  
21 yeah, static rigging where there's no motor. It's not moving  
22 up or down. It's just something that's connected and it  
23 doesn't move.

24 Q. BY MR. SHANKMAN: Okay. And then is there something  
25 called an air wall track?

1 A. Yes. So air wall tracks is another --

2 Q. I'm going to stop you for a second.

3 A. Yes.

4 Q. First of all, I need you to slow down a little bit.

5 A. Okay.

6 Q. Because you're dealing with people who are not as  
7 familiar with these terms as you are. But if you could walk  
8 us through generally where would we find an air wall track,  
9 let's start there.

10 A. Many, many of our venues have air walls, which are used  
11 to divide the rooms, similar to this one right here. So the  
12 air wall divides larger rooms into smaller rooms. And with  
13 that, there's a track that the actual air wall runs up and  
14 down. We have the ability to hang equipment in that air wall  
15 track using special equipment, equipment that is designed for  
16 each air wall track. Basically, it does up into the groove  
17 and sits there. We can lock it in place. And then we can  
18 hang equipment from that, provided it's safe and within the  
19 weight limits of what an air wall can handle. And that is  
20 in -- many of our venues have those air walls that we have  
21 the ability to do air wall rigging or hanging from that air  
22 wall track.

23 Q. And I think you just answered the next question, but let  
24 me be clear. When you hang something from an air wall track,  
25 is that considered rigging?

1 A. Yes.

2 Q. When you hang something from a stick of truss, ground-  
3 supported truss, is that considered rigging?

4 A. Yes.

5 Q. And when you hang something from a fixed point or a sky  
6 port -- or sky point, are both of those considered rigging as  
7 well?

8 A. Yes.

9 Q. Who does work for PSAV using sticks of truss or ground-  
10 supported truss?

11 A. Almost all of our team members.

12 Q. Okay. And in what classifications?

13 A. Our technicians, our lead technicians, tech specialist,  
14 our rigging team. Truss is used in many of our sets, in many  
15 of our hotels.

16 Q. So both riggers and technicians use ground-supported  
17 rigging truss?

18 A. Yes.

19 Q. Same question as it relates to sky ports, who works with  
20 sky ports, which classifications?

21 A. Mostly the technicians.

22 Q. Who works with the air wall tracks?

23 A. That's mostly the technicians. But I think in some  
24 cases, our rigging technicians may assist with that as well.  
25 It could be both.

1 Q. And what about the fixed points, who works with the  
2 fixed points?

3 A. Same thing. It's a combination of technicians, as well  
4 as the rigging technicians.

5 Q. Let me switch you to audio visual work.

6 A. Okay.

7 Q. We've used the terminology and at some point today we  
8 heard discussion about classifications. What is an AV  
9 technician?

10 A. And AV technician is a technician role within our  
11 company. It's somebody who in the course of their day is  
12 responsible for the setup and the teardown of all of the  
13 equipment for the different sets. They may be required to  
14 operate the equipment during an event. They interface with  
15 the customer. They are our team members that's for the  
16 events.

17 HEARING OFFICER ANDELA: That's a joint exhibit or the  
18 Petitioner's exhibit?

19 MR. SHANKMAN: So Petitioner's Exhibit 2, the national  
20 agreement.

21 MS. SIMON: Thank you.

22 HEARING OFFICER ANDELA: The national agreement.

23 Q. BY MR. SHANKMAN: Just turning your attention to  
24 addendum C. Take a look at that, and let me know when you're  
25 ready to talk about it, please.

1 A. Okay. Is there another page? No.

2 Q. And addendum C encompasses two pages. I don't know if  
3 you realized that.

4 A. Yep, got it.

5 Q. But it talks in the context of a tech I, do you see  
6 that?

7 A. I do.

8 Q. There's tech I, tech II, and tech III.

9 A. Yes.

10 Q. Are those terms you're familiar with?

11 A. Yes.

12 Q. Can you tell us generally what the difference is between  
13 tech III, tech II, and tech I, in each of the subheadings --

14 A. Sure.

15 Q. -- within each category that's identified on addendum C  
16 to Petitioner's Exhibit 2?

17 A. So it'd probably be easiest if I start on page 2, which  
18 is tech III.

19 Q. Okay.

20 A. So tech III is more a starting position for a  
21 technician. This is somebody who is dealing with some of the  
22 smaller setups or they have a basic working knowledge of the  
23 technical equipment. They may still be learning some of the  
24 equipment. They may be very proficient in one particular  
25 area but pretty new in other areas. And so that's sort of a

1 general, usually an entry-level position with the Company.  
2 Again, they may have experience. They may be learning as  
3 well.

4 Q. You used the terminology "areas." What areas are you  
5 referring to?

6 A. So with what we do, there's audio and -- listed here so  
7 audio, video, lighting, IT, and projection. So you may have  
8 somebody who has lots of experience with audio and has never  
9 touched lighting or video or vice versa depending on whatever  
10 their background is.

11 Q. Do we class -- does PSAV classify employees as a -- as a  
12 tech II in audio, as a tech III in lighting, things like  
13 that? How are those individuals classified?

14 A. No. As a technician III, they would just be -- they  
15 would be a technician. Their role is to interact and operate  
16 and set up basically everything.

17 Q. Then how does that tech III -- is tech II a more skilled  
18 or less skilled position than a tech III?

19 A. A tech II would be a more skilled position. They may  
20 have a little bit more specialized knowledge in one or more  
21 areas. In fact, generally, we would expect a tech II to be a  
22 little bit more proficient in two or three of those areas as  
23 they move up to a higher position.

24 Q. Okay. Like in the tech III role, do we identify tech  
25 II's based on each one of these audio assist, video assist,

1 lighting, et cetera?

2 A. No.

3 Q. So they're just considered a tech II?

4 A. Correct.

5 Q. Is a tech I then a more advanced position than a tech  
6 II?

7 A. Correct.

8 Q. Or more advanced skill set?

9 A. Yes.

10 Q. Can you walk us through what happens when someone  
11 reaches a tech I level position?

12 A. Sure. At a tech I, they are generally very specialized  
13 in one of those areas. So they are likely very specialized  
14 in audio, video, or lighting, and that essentially becomes  
15 their predominant job assignment. But it will vary.  
16 Generally, by the time you've reached that point, especially  
17 if you've come up within the organization, you're probably  
18 proficient at two or three, if not all of those. We expect a  
19 good working knowledge of all of those things because  
20 everything works and connects very closely together. So a  
21 tech specialist is what we would call them or a tech I may  
22 predominantly be assigned to audio assignments, but they  
23 would be expected to assist with any of the different  
24 disciplines.

25 Q. And if someone is a tech I with a focus on audio, how



1 would we refer to them in day to day, common parlance?

2 A. Our common jargon would be an audio specialist.

3 Q. Have you heard the term "A-1"?

4 A. A-1 is another one.

5 Q. What's an A-1?

6 A. An A-1 would be an audio 1, as it's actually noted here  
7 as well. So that's somebody who their specialty is audio.  
8 And as a A-1, they would be the ones that would run the  
9 mixing console, which is the device where all of the audio  
10 comes in and we can control the volume. They are the ones  
11 that are generally running that for an event.

12 Q. What is an L-1 and then a V-1?

13 A. So an L-1 would be a lighting specialist. So the L-1 is  
14 the person who they run and program the lighting for an  
15 event. So they have the ability to make the lights change  
16 colors and move, and they're the ones that are aiming,  
17 helping to direct where lights are aimed. And then V-1 would  
18 be a video specialist, somebody who is responsible for the  
19 video content, switching the video between the different  
20 video sources, helping to coordinate with the cameras that  
21 are going on during a show as well.

22 Q. Okay. I think you touched on this, but I want to be  
23 clear. In our business records, would we classify someone as  
24 an A-1 and someone else as a V-1 and someone else as an L-1,  
25 or would they have just a broader title?

1 A. It would be a tech specialist.

2 Q. Okay. Now, if you know, do you know why, and if you  
3 look at the first addendum C page of Petitioner exhibit --  
4 I'm sorry.

5 HEARING OFFICER ANDELA: Petitioner Exhibit 2.

6 Q. BY MR. SHANKMAN: In the tech I category, there's a  
7 reference to rigging skills.

8 A. Um-hum.

9 Q. Can you tell us why that is?

10 A. Because often the equipment being used at a 1-level  
11 position, it's usually some equipment that often needs to be  
12 hung, although that can happen at all these levels as well.  
13 But for the tech I's especially, we expect them to have a  
14 good working knowledge of safety, of how to hang equipment so  
15 that they know how to do it themselves and also can help  
16 direct the work of those around them to do it safely. So at  
17 that level there is an expectation that you can assist with  
18 hanging of equipment and rigging as well.

19 Q. And does PSAV provide rigging training of any kind?

20 A. We do. We do provide rigging training.

21 Q. Okay. Now, before we get too deep into this, I wanted  
22 to ask you about some other classifications. PSAV, you  
23 talked about venues which are predominantly hotels, right?

24 A. Yes.

25 Q. Does PSAV have an office that is not at a venue,

1 something we call branch?

2 A. Yes.

3 Q. Right. Can you tell us what the branch is?

4 A. Sure. So we have our warehouse operations, which is  
5 based out in Lanham, Maryland. So out of the warehouse  
6 operations, we have two functions. One is we store a lot of  
7 equipment out there because there's only so much storage  
8 space in our hotel venues. So from there we can send  
9 additional equipment as it's needed out to the different  
10 properties whenever they need equipment that they don't have  
11 on site. We can also use it to coordinate moving equipment  
12 around as we regularly borrow equipment and personnel between  
13 all of the properties. So our drivers and our team at the  
14 warehouse, they help coordinate moving equipment throughout  
15 the city and states, between D.C., Maryland, and Virginia as  
16 well.

17 We also do additional shows outside of our hotel  
18 properties. So our team out of the warehouse operations, our  
19 show production team will go, and they'll do two things.  
20 One, they will go into our hotel venues to help support any  
21 additional needs that we have for our events. And they will  
22 also go and service any events that we may do where we're not  
23 in-house in the hotel. So it could be a hotel that we are  
24 not the preferred in-house provider, or it could be like the  
25 National Building Museum where they're just having an event

1 and they need AV. So we'll go -- we would go in and support  
2 those events from there.

3 Q. You used the term "show production team." Would a show  
4 production team be populated with audio visual technicians?

5 A. Correct. Largely our tech specialists or technicians --

6 Q. Do riggers ever work with the show production team off  
7 site?

8 A. I don't believe so because generally we're not doing the  
9 rigging off site. If we're not the in-house provider, we are  
10 generally not doing the rigging. Our rigging team is  
11 primarily working in our hotel venues.

12 Q. Thank you. So you also talked about moving gear around,  
13 keeping some here in the warehouse, right?

14 A. Yep.

15 Q. And then you talked about moving gear to different  
16 properties.

17 A. Yes.

18 Q. Is that -- are there people who are employed solely for  
19 that function to transfer gear either to the branch or from  
20 the branch to the hotels and amongst the hotels?

21 A. Yes.

22 Q. And who are those people?

23 A. That's our warehouse team. So we have -- it's a group  
24 that consists of the warehouse team which inventories the  
25 equipment, keeps track of it, does quality control checks to

1 make sure everything is working. They may provide additional  
2 onsite support if we're having a challenge with a piece of  
3 equipment and they may know how to solve it. We have our  
4 driver team, which are actually physically driving the  
5 equipment around. I think that's, yeah, that's -- they're  
6 basically broken up into different groups from start to  
7 finish, from taking the order of what needs to be done,  
8 finding it in the storeroom, putting it on a pallet or  
9 getting it onto a truck, and getting it ultimately delivered.  
10 And then in reverse when it's done.

11 Q. I've heard the term "driver technician" in the past.  
12 What's a driver technician?

13 A. So a driver technician is somebody whose primary  
14 function is to drive, but drive and deliver equipment. But  
15 on top of that, some of those offsite events where we're  
16 again not in-house, that driver technician will be delivering  
17 the equipment, and they may be also at that time setting it  
18 up and helping to operate it for that event on site.

19 Q. So will a driver technician work with other technicians  
20 that are based at the hotels?

21 A. Yes.

22 Q. And then if -- we talked about the Gaylord. That's a  
23 PSAV property, right?

24 A. Correct.

25 Q. Can you name another PSAV property in D.C., any one?

1 A. Washington Hilton.

2 Q. Okay. If gear, if a television or a microphone is  
3 needed and it's at the Gaylord, and it needs to get to the  
4 Washington Hilton, how does it get there?

5 A. Often the DET, the director will contact the warehouse  
6 operations team and ask for a truck to come and help deliver  
7 that equipment.

8 Q. Is that a common or uncommon thing?

9 A. It's very common. We do that very regularly. Every day  
10 there are trucks all over D.C., Maryland, Virginia moving  
11 equipment around. Obviously, there's only so many. So but  
12 we do, do that as much as possible is using our own internal  
13 drivers. They are moving equipment all day.

14 Q. Okay. And we're going to look at a video at some point.  
15 But we've used the term "truss" a little bit, but I don't  
16 know if everybody knows what truss is.

17 A. Right.

18 Q. Could you explain what truss is? Right now I'm  
19 referring to the kind of truss that goes up in the air.

20 A. Okay.

21 Q. That you see at various events.

22 A. Sure. And it's the same truss, so I'll try to describe  
23 it.

24 Q. Okay, good.

25 A. So it is generally box truss is the best way to describe

1 it. It is four poles with metal -- the riggers are going to  
2 laugh at me. The rigging team is going to laugh at me for  
3 this. V-shaped structures between the poles, which basically  
4 reinforce the strength of it. So it looks like a long stick  
5 or a bar with -- that's a square. And from that there are  
6 two ends on it as well, and they can be connected to each  
7 other to make different configurations. So on the end of  
8 each side of those four bars there is a plate. And the  
9 plates have four holes. And you can connect them together  
10 and put a screw in between it to tighten them up and  
11 basically extend the length of it and put it into different  
12 configurations. They can be different shapes. They can be  
13 curved as well. But basically it's sort of like Legos, big,  
14 giant metal Legos that we can use to build different  
15 structures.

16 Q. And like we talked about the television or the  
17 microphone getting moved around, does truss get moved around  
18 the city?

19 A. It does from time to time, yes.

20 Q. Do we keep truss at the warehouse?

21 A. We do.

22 Q. So are driver technicians also responsible for moving  
23 truss from time to time?

24 A. Yes.

25 Q. So we talked about the AV work, and we talked about

1 rigging work. Who does rigging work in the manner that  
2 you've described?

3 A. All of our PSAV team members. All of our technicians,  
4 specialists will often touch truss in some form or fashion.  
5 They'll be -- they'll have an opportunity to hang lights from  
6 different structures.

7 Q. Okay. And who does AV work?

8 A. Again, all of our team members, our AV technicians  
9 primarily. We do have riggers that will do AV work as well  
10 in the course of the day or at the very least interacting  
11 with our team members on the AV side as well.

12 Q. Are riggers -- well, withdraw that. Let me show you  
13 what we'll mark as Employer's Exhibit 1.

14 **(Employer's Exhibit 1 marked for identification.)**

15 MR. SHANKMAN: Employer's 1.

16 MS. SIMON: Thank you.

17 Q. BY MR. SHANKMAN: Mr. Wanamaker, I've handed you what  
18 we'll mark as Employer's Exhibit Number 1. Can you identify  
19 that document, please?

20 A. This is our PSAV team member guidebook.

21 Q. Who does that guidebook apply to?

22 A. Every one of our team members, at all our --

23 Q. And without -- I don't think -- have you seen this  
24 document before?

25 A. Yes, I have.



1 Q. Okay, 64 pages. I don't think we need to go through it  
2 line by line. But is it fair to say these are the policies  
3 and procedures for PSAV?

4 A. Yes, absolutely.

5 Q. And you said it already; this applies to all of our  
6 members. I assume that includes AV technicians and riggers?

7 A. Yes.

8 Q. There's no separate guidebook or handbook for the  
9 riggers?

10 A. No, there is not.

11 MR. SHANKMAN: Move for the admission of Employer's 1.

12 HEARING OFFICER ANDELA: Petitioner, any objection?

13 MS. SIMON: No objection.

14 HEARING OFFICER ANDELA: Employer 1 is received into  
15 evidence.

16 **(Employer's Exhibit 1 received in evidence.)**

17 **(Employer's Exhibit 2 marked for identification.)**

18 MR. SHANKMAN: Here's 2.

19 Q. BY MR. SHANKMAN: Mr. Wanamaker, I've handed you  
20 Employer's Exhibit Number 2. Have you ever seen that  
21 document before?

22 A. Yes, I have.

23 Q. Can you tell us what it is?

24 A. This is our PSAV benefits guide for our insurance plan.

25 Q. And --

1 A. And other benefits as well, as I keep looking through  
2 it, yeah.

3 Q. Okay. And who does or what classification of employees  
4 does Employer's Exhibit 2 relate to?

5 A. Again, all of our field employees, our technicians, our  
6 lead technicians, our rigging team, our managers, everyone.

7 Q. Everyone?

8 A. Yes.

9 Q. No separate benefit guide for riggers?

10 A. No.

11 MR. SHANKMAN: Move for the admission of Number 2,  
12 please.

13 HEARING OFFICER ANDELA: Any objection?

14 MS. SIMON: No objection.

15 HEARING OFFICER ANDELA: Employer 2 is admitted into  
16 evidence.

17 MR. SHANKMAN: Thank you.

18 **(Employer's Exhibit 2 received in evidence.)**

19 Q. BY MR. SHANKMAN: Now, you spoke earlier about the  
20 movement of gear amongst different hotels. You said there's  
21 only so much gear and only so much space, and you move things  
22 around.

23 A. Yes.

24 Q. Is there a similar movement of personnel?

25 A. Yes.

1 Q. All right. Is there something called a regional labor  
2 share call?

3 A. Yes, there is.

4 Q. Can you tell us what that is?

5 A. Sure. So we actually have a number of calls each week  
6 where we have a regional workforce manager who will -- he has  
7 access to all of the schedules in all of the markets and all  
8 of the available shifts in every area, in the D.C., Maryland,  
9 Virginia region. He will get on a call with all of our  
10 managers, manager from each venue, either a director or an  
11 operations manager who would be the number 2 at the venue,  
12 and they'll go through the list of every open position that  
13 we have to fill, and look at any high profile events where we  
14 may need additional support. And he'll help make the  
15 determination of moving our personnel into the right venue,  
16 for the right shift, to make sure the right skill sets are  
17 covered.

18 Q. And just to be clear, I think you said that the regional  
19 call encompasses Northern Virginia, D.C., and Maryland as  
20 well?

21 A. So we have multiple calls. We have one call that is  
22 actually D.C., Maryland, and Virginia together where all of  
23 the leaders take a look at moving our personnel between the  
24 three states or the two states and the district. And then we  
25 have a -- after that call, we have individual calls for each

1 individual -- for D.C., Maryland, and Virginia separately  
2 just to sort of fine-tune the schedules in each area.

3 Q. Is it a PSAV policy then to share labor among the  
4 different hotels?

5 A. Yeah, absolutely. It's something we communicate with  
6 all of our team members when they're brought on board. And  
7 we regularly move our personnel around.

8 Q. Does the sharing or assignment of riggers -- excuse me,  
9 does the sharing or assignment of personnel amongst different  
10 locations in the D.C., Virginia, and -- or Northern Virginia  
11 and Maryland regions, is that -- does that apply to riggers  
12 as well?

13 A. Yes.

14 MR. SHANKMAN: Employer's 3.

15 **(Employer's Exhibit 3 marked for identification.)**

16 Q. BY MR. SHANKMAN: Mr. Wanamaker, I've handed you what  
17 has been marked as Employer's Exhibit Number 3. Can you tell  
18 us what this is?

19 A. This looks like -- it appears to be data pulled from our  
20 HRIS timekeeping system, which seems to be listing the hours  
21 worked for different individuals and which venues they worked  
22 in.

23 Q. At the top of this document, it says report riggers. Do  
24 you see that?

25 A. I do.

1 Q. Do you recognize the names as riggers within the --  
2 within your region?

3 A. I do, yes.

4 Q. So just to be clear, this document, is it correct to  
5 say -- you referenced your HRIS system. This data come from  
6 your HRIS system?

7 A. Yes.

8 Q. And then let's look at Thomas Allen, for example. Are  
9 each of the properties listed under Thomas Allen's name, are  
10 those venues where PSAV works?

11 A. Yes.

12 MR. SHANKMAN: Move for the admission of Employer's 3.

13 HEARING OFFICER ANDELA: Any objection?

14 MS. SIMON: No objection.

15 HEARING OFFICER ANDELA: Employer 3 is admitted.

16 **(Employer's Exhibit 3 received in evidence.)**

17 Q. BY MR. SHANKMAN: So, again, focusing on this particular  
18 document, Holly Baranowski, the third name down, do you see  
19 that?

20 A. Yes.

21 Q. Do you know why the Gaylord at the top is in bold?

22 A. It looks like from this the bold location at the top for  
23 each name is the home location for the employee. So that  
24 would be their primary home location where they are assigned  
25 as their main -- their home assignment.

1 Q. Is that a common practice at PSAV to assign an employee  
2 a home location?

3 A. It is, yes.

4 Q. Does the fact that they have a home location restrict  
5 their movement in any way?

6 A. No, not at all. In fact, our goal is for our team  
7 members to move to multiple locations. Our business is  
8 entirely dictated by our customers, when they're coming into  
9 the venues and whether or not we're doing those events. So  
10 if our -- if a home location of an employee doesn't have any  
11 business at the time and we're busy in another venue at the  
12 exact same time, in order to make sure they still have the  
13 ability to work or if we have a need for their skill set, we  
14 have that ability for them to move to other venues, to work  
15 those shifts.

16 Q. So the labor share call that you testified to earlier,  
17 would the movement that's demonstrated in Employer's  
18 Exhibit 3, does that result from the sharing of labor through  
19 that call?

20 A. Partially, yes.

21 Q. Partially. How else would it happen?

22 A. So with the rigging team as well, so our rigging  
23 coordinators, we have four rigging coordinators that support  
24 the market. So in advance of that call, they may have the  
25 foresight already to say we need a rigger at some other

1 venue. The Gaylord team, for instance, if you look at Holly,  
2 somebody at the Baltimore Marriott Waterfront might have said  
3 we need some additional rigging support. The rigging  
4 coordinators coordinate, and they would say we need support  
5 from a rigger to come up and do this event. And so they  
6 might have coordinated that in advance of the call.

7 Q. And you brought up a good point. Holly, you said  
8 Marriott Baltimore Waterfront, and it shows 153.21.

9 A. Yeah.

10 Q. What does that mean?

11 A. So that would mean that Holly worked 153 hours at the  
12 Marriott Baltimore Waterfront during the period of time.

13 Q. Is that the same then for each one of the entries?

14 A. That is correct.

15 Q. So under Holly's name, it says Hilton BWI Airport. That  
16 means she worked at the Baltimore Airport Hilton for 4 hours?

17 A. That is correct.

18 Q. Okay. And then let me show you what we'll mark as  
19 Employer's Number 4.

20 **(Employer's Exhibit 4 marked for identification.)**

21 MS. SIMON: I have a point of clarification on Employer  
22 Number 3. What is the period of time that this covers?

23 MR. SHANKMAN: Do you care if I tell you?

24 MS. SIMON: I would prefer Mr. Wanamaker since he's  
25 testifying about the report.

1 HEARING OFFICER ANDELA: If you know.

2 THE WITNESS: I can't say for certain. It looks like --  
3 I would be guessing either a year or 2 years, but I'm -- I  
4 don't recall.

5 HEARING OFFICER ANDELA: Is this something we could  
6 verify before the end of the day or --

7 MR. SHANKMAN: Absolutely.

8 HEARING OFFICER ANDELA: Okay. Does that work,  
9 Ms. Simon, if we get that on the record at some point?

10 MS. SIMON: That's acceptable. Thank you.

11 Q. BY MR. SHANKMAN: Sir, I've handed you Employer's  
12 Exhibit 4. Can you tell us what Employer's Exhibit 4 is?

13 A. This looks like a report of our hours worked from our  
14 HRIS system for our team members in the D.C., Maryland,  
15 Virginia area.

16 Q. When you say team members, is there a particular group  
17 you're referring to?

18 A. I'd say it appears to be anyone listed as a technician,  
19 lead tech, or tech specialist.

20 Q. And so are the individuals who are listed in this report  
21 the same classifications that we discussed in addendum C, in  
22 Petitioner's Exhibit Number 2?

23 A. Yes.

24 Q. Now let's look at on page 1 of Employer's Exhibit  
25 Number 4, there's a gentleman by the name of Isaac Ahanmisi,



1 A-h-a-n-m-i-s-i. Can you tell us what that -- what the data  
2 for, I'm going to say Isaac.

3 A. Sure.

4 Q. What that data reflects?

5 A. So this shows the hours worked, that Isaac worked over  
6 what I'm guessing now is a span of 2 years. And this is,  
7 yeah, hours worked at the different venues in the area.

8 Q. Okay. So do we know from this document where Isaac is  
9 based?

10 A. Sure, at the Washington Hilton.

11 Q. So under that it says he worked 18.42 hours at the  
12 Hyatt, at the Hyatt Baltimore. That means he worked in  
13 Baltimore for that period of time?

14 A. That is correct.

15 Q. Okay. And then is that then the reference from each one  
16 of these hotels that the corresponding number next to it is  
17 how many hours they worked at that hotel?

18 A. That is correct.

19 Q. And I don't know if you've looked through the entire  
20 report, but would you -- is it your belief based on review of  
21 this document that the same information is applicable to each  
22 AV technician listed in the document?

23 A. Yes. Yes. This is reflective of or how our team  
24 members move around in the course of a year or two.

25 MR. SHANKMAN: Okay. Move for -- move for the admission

1 of 4.

2 MS. SIMON: Can I have some -- can I have some voir dire  
3 on this before it's admitted, please.

4 HEARING OFFICER ANDELA: Okay, yeah.

5 MR. SHANKMAN: Okay.

6 **VOIR DIRE EXAMINATION**

7 Q. BY MS. SIMON: Mr. Wanamaker, how is this report  
8 compiled?

9 A. It's data from our HRIS system, our timekeeping system.  
10 So those would be the hours that our team members clock in  
11 and out.

12 Q. And your counsel said he didn't know if you've had a  
13 chance to look through this document. Who compiled it?

14 A. I would imagine it was compiled by our human resources  
15 team.

16 Q. Have you had a chance to review it?

17 A. I have looked through this data in the past, and it is  
18 something that we regularly review in the course of business,  
19 in this frame of time. And I don't generally look at all of  
20 the employees at once, but in different forms, yes.

21 Q. How do people clock in their hours at these different  
22 properties?

23 A. We have a timekeeping system where team members are  
24 clocking in and out. When they arrive on site, they have  
25 access to a computer. They clock in. And at the end of the

1 shift, they clock out.

2 Q. Is there paper copies of any of this?

3 A. I'm not sure I understand the question?

4 Q. Clocking in. Are there paper copies of or paper records  
5 that anyone fills out to clock in and out?

6 A. When they're clocking in and out, no. It's all based on  
7 the computer.

8 Q. Does this document -- this document doesn't reflect any  
9 shifts or schedules that certain people have. It's just the  
10 hours that they've worked at these properties over an  
11 undetermined period of time?

12 A. That's correct. These are the hours worked.

13 Q. Okay. And can you -- from this document, can you  
14 testify whether people have -- whether people are assigned to  
15 work at these various properties and they can -- whether they  
16 have any control over whether they go to work at these  
17 properties or not.

18 A. Sure. They are assigned to work at those properties.  
19 But we do -- because of the travel arrangements and depending  
20 on the comfort level of a shift they may be assigned to, we  
21 do talk to our team members, and they do have a say in where  
22 we assign them. Sometimes we may really just assign them  
23 because we need to. But we do -- we generally have a good  
24 interaction with our team members to make sure that we're  
25 placing them at the appropriate spot both for us and for

1    them.

2    Q.    Okay, thank you.

3           MR. SHANKMAN:  No objection?

4           MS. SIMON:  With the same caveat that we don't know what  
5   period of time this covers.

6           HEARING OFFICER ANDELA:  Yeah.  So we'll definitely try  
7   to get that squared away.

8           MR. SHANKMAN:  We will.

9           HEARING OFFICER ANDELA:  But Exhibit 4 admitted.

10          MR. SHANKMAN:  Thank you.

11   **(Employer's Exhibit 4 received in evidence.)**

12                           **DIRECT EXAMINATION (cont.)**

13   Q.    BY MR. SHANKMAN:  When employees travel, whether it's  
14   technicians or riggers, do you -- does the Company pay any  
15   travel expenses?

16   A.    We do.

17   Q.    Do you know off the top of your head how it's paid?

18   A.    We reimburse for parking for our team members.  And  
19   depending on how far they are traveling, we also reimburse  
20   for mileage.

21   Q.    Does the mileage, is that based on if they're commuting  
22   outside of a normal area?  So if they're going from one hotel  
23   in D.C. to another, would you pay for that, but if they go to  
24   D.C. to Baltimore?

25   A.    If they are -- so generally if they go from D.C. to

1 Baltimore, yes, because it's outside their normal working  
2 area. Also, if they are starting their shift at one location  
3 and then they're going to another, we would pay for the  
4 travel time and distance for that as well because they're  
5 being asked to go to more than one venue at a time.

6 Q. Understood. Okay, thank you.

7 MS. SIMON: My understanding that we're now going to  
8 be --

9 MR. SHANKMAN: I'm about there.

10 MS. SIMON: -- playing the time-lapse video?

11 MR. SHANKMAN: Yeah. I was going to suggest for the  
12 benefit of everybody that it's about a 2-minute video. For  
13 everyone's benefit, rather than have him talk through each  
14 piece without seeing the whole thing, I'd like to just, if  
15 you'll indulge me, let him -- let the whole thing play with  
16 no commentary. Everyone could look at it. Then we'll start  
17 at the beginning, and then I'll ask him particular questions  
18 going through the process. Is that -- any objection to that?

19 MS. SIMON: I do have some voir dire regarding this --

20 HEARING OFFICER ANDELA: Sure.

21 MS. SIMON: -- document or this exhibit.

22 MR. SHANKMAN: We will include it in the record. So,  
23 yes, I guess. I don't know how we're going to mark it,  
24 but --

25 HEARING OFFICER ANDELA: Yeah, I'm hoping that they

1 offer it so that we can --

2 MR. SHANKMAN: My intention is to offer it. I don't  
3 think -- I think counsel should look at it before, since  
4 we're in a non-adversarial proceeding. You're going to hear  
5 me say that a couple of times. But since we're in a non-  
6 adversarial proceeding, I think we should show it to the  
7 parties. Or if you want to see it by yourself, if that's a  
8 concern of yours, look at it. I'd like you to see it,  
9 Mr. Hearing Officer, and then I think voir dire would be  
10 appropriate. Otherwise, you're in somewhat of a vacuum.

11 MS. SIMON: Can we get some foundation before it's  
12 played?

13 MR. SHANKMAN: Sure. In the video that we'll mark  
14 Employer's Exhibit 5?

15 HEARING OFFICER ANDELA: That's what we're up to, yeah.

16 MR. SHANKMAN: That's what -- that's how we'll do it.

17 **(Employer's Exhibit 5 marked for identification.)**

18 Q. BY MR. SHANKMAN: Can you tell us what this video is?

19 A. Sure. This is a time-lapse video of a setup for an  
20 event at the Gaylord National Hotel.

21 Q. Hang on. Who ran the event in terms of was this a PSAV  
22 event or was it another company's event?

23 A. No, this was a PSAV event. We support the production of  
24 the audio and the video for the event. There's other  
25 entities which are involved with the lighting and some of the

1 scenic and production as well.

2 Q. Okay. What was PSAV's involvement at this particular  
3 event, if you know?

4 A. Audio, video, rigging -- audio, video, and the rigging  
5 components of it.

6 Q. Who took the video?

7 A. This was done by our project manager.

8 Q. And the project manager is a PSAV employee?

9 A. Correct, yes, PSAV project manager. His job is to  
10 oversee the overall production and coordinate all of our  
11 technicians and our tech specialists and just make sure that  
12 the event is set up properly and happens to the customer  
13 specifications.

14 Q. Do you happen to know what event this was?

15 A. This is the Scripps National Spelling Bee.

16 Q. Was this the spelling bee that's broadcast on ESPN?

17 A. It is, yes.

18 Q. It's an annual event?

19 A. Yep.

20 Q. Okay.

21 MR. SHANKMAN: And that's it, I think, for foundation  
22 purposes.

23 MS. SIMON: How much -- can I ask a few additional  
24 questions, foundation?

25 MR. SHANKMAN: Sure.

1 HEARING OFFICER ANDELA: Yeah.

2 VOIR DIRE EXAMINATION

3 Q. BY MS. SIMON: How much time is represented in this?

4 A. So the overall setup takes place over the span of 2  
5 days. Portions of it, overnight, where nothing is going on,  
6 have been cut out of this.

7 Q. I'm sorry, what's been cut out of it?

8 A. Overnight. So when nothing -- no work was being done  
9 during the setup. It just stopped recording at that time.

10 Q. And how does the creation of the time-lapse video -- can  
11 you explain the creation of the time-lapse video?

12 A. Sure. So the project manager used a GoPro video camera,  
13 which is a small portable video camera, probably mounted on a  
14 lighting pole. And it's set up to take a single frame of  
15 picture every minute or every few minutes, so that over the  
16 course of the event, you can put all of those pictures  
17 together, and it plays as one single video.

18 Q. So it's not a -- this is not a continual, one piece of  
19 continual video, correct? It's a series of snapshots?

20 A. It's a series of frames.

21 MR. SHANKMAN: Well, objection. He just testified that  
22 it was 1-minute shots, so it's not a continuous video.

23 THE WITNESS: Yeah.

24 HEARING OFFICER ANDELA: So one still shot per minute?

25 THE WITNESS: It takes a frame of video --



1 HEARING OFFICER ANDELA: Okay.

2 THE WITNESS: -- every few seconds. A frame of video is  
3 basically a picture. That's putting those -- a video is  
4 multiple pictures put together. So this is taking single  
5 pictures at a fixed interval throughout the course of the  
6 setup.

7 Q. BY MS. SIMON: Do you know what that fixed interval is?  
8 You said a minute ago I think every minute or 2 minutes, and  
9 then you just said every --

10 A. I don't know exactly --

11 MR. SHANKMAN: Objection.

12 THE WITNESS: -- what it is.

13 MR. SHANKMAN: Mischaracterizes his testimony.

14 HEARING OFFICER ANDELA: What's your closest estimate,  
15 if you know?

16 THE WITNESS: Based on the movement, every 30 seconds.

17 MR. SHANKMAN: I renew my point of we could show it so  
18 everyone can see it without commentary from the witness. And  
19 then I think we could establish a basis to ask foundation  
20 related questions. I think that would be helpful.

21 HEARING OFFICER ANDELA: Ms. Simon, any objection to  
22 watching it and seeing what it conjures?

23 Q. BY MS. SIMON: Mr. Wanamaker, what was your role in  
24 creating this video?

25 A. I did not create this video. It was created by the

1 project manager.

2 Q. Okay.

3 A. Obviously, this is an important event for us, so I  
4 actually do go visit and make sure that this is all set up  
5 properly and going well. It's an important customer to us.  
6 So I was involved with the actual sales of the event and  
7 being involved with putting together the order for the event,  
8 and some of the interfacing with the customer. And then  
9 again on site, I am involved with -- on our --

10 Q. I think I just asked about your involvement with the  
11 video.

12 A. Okay, the video. So the video was sent to me by the  
13 project manager to share. Our team members will regularly  
14 send pictures and videos, say, hey, check out this cool event  
15 we did. So he sent this to me and said here's a time lapse  
16 of our setup, it's pretty neat, be good to share with the  
17 rest of the team. And so that's why I have the video.

18 Q. When was this spelling bee?

19 A. It was in the spring.

20 MR. SHANKMAN: Of this --

21 THE WITNESS: Of 2018.

22 Q. BY MS. SIMON: In '18. When did you first see the  
23 video?

24 A. It would have been when it was created, sometime back in  
25 the spring. I couldn't say exactly when the first time.

1 Q. Do you know if anything has -- do you know if the video  
2 has been -- that you received in the spring has been -- is  
3 identical to the video that is or -- yeah, is identical to  
4 the video that is being shown now or has it been --

5 A. No, it's the same video.

6 Q. -- changed in any way.

7 A. Not that I'm aware of.

8 MR. SHANKMAN: Shall we proceed?

9 HEARING OFFICER ANDELA: I have one question informally.

10 MS. SIMON: Thanks.

11 HEARING OFFICER ANDELA: Do any Petitioner's witnesses  
12 know if they might appear in the Scripps Spelling Bee 2018  
13 video, do you know, or if anyone was to --

14 MS. SIMON: I don't. If I can just take a minute?

15 HEARING OFFICER ANDELA: Yeah.

16 COURT REPORTER: Off the record?

17 HEARING OFFICER ANDELA: Off the record.

18 **(Off the record from 1:35 p.m. to 1:40 p.m.)**

19 HEARING OFFICER ANDELA: So we just had an off-the-  
20 record discussion about whether to proceed at this time by  
21 showing the video or to take further questions as to  
22 foundation and other aspects. We're going to show the video  
23 or we're going to let Employer show the video and note that  
24 Petitioner reserves every right to object to its admission.

25 MR. SHANKMAN: Well, if I may, I understood it slightly

1 different. I believe she's asked her questions about  
2 foundation. We've gotten past that point. I haven't moved  
3 to admit it yet; I agree with that. But I think the only  
4 question beyond that now becomes the relevance that -- on  
5 whether or not it should be admitted, subject of course to  
6 your ruling.

7 HEARING OFFICER ANDELA: I think Petitioner definitely  
8 -- I think you said you have more foundation questions.

9 MR. SHANKMAN: If she's got more foundation questions, I  
10 think she should ask them.

11 HEARING OFFICER ANDELA: If you want to do it now, then,  
12 that's fine.

13 MR. SHANKMAN: Or if she wants to see it first, that's  
14 fine, too.

15 MS. SIMON: I think that -- I believe that I asked some  
16 questions, and I believe that the questions established that  
17 Mr. Wanamaker didn't make the video, that it's a series of  
18 photographs, that portions of it have been edited out. And  
19 so on all of those -- so I may well object to the admission  
20 of this on that basis that Mr. Wanamaker doesn't have  
21 personal knowledge. He didn't make the video himself. It's  
22 been edited. And it's inappropriate for admission without  
23 the entire underlying video. So I'm not at all conceding any  
24 of those points at this time.

25 MR. SHANKMAN: Well, let me address some of the

1 foundation questions then before we proceed.

2 **DIRECT EXAMINATION (cont.)**

3 Q. BY MR. SHANKMAN: Mr. Wanamaker, did you edit the video?

4 A. I did not.

5 Q. Are you aware of anyone editing the video?

6 A. No.

7 Q. Was this video provided to you in the ordinary course of  
8 business?

9 A. Yes.

10 Q. Would you consider this video a business record?

11 A. Yes.

12 Q. And are videos such as this -- well, withdraw that.

13 Is this the first time you ever saw a time-lapse video  
14 of a PSAV event?

15 A. No.

16 Q. Are these videos I won't necessarily say common, but has  
17 this occurred multiple times in your region in the past?

18 A. Yes.

19 Q. Are these videos created for business purposes?

20 A. Yes.

21 Q. Did you show -- when the video came out and it was sent  
22 to you, did you show it to members of the team?

23 A. Yes.

24 Q. Okay. And who are the members of the team in terms of  
25 classification?

1 A. So for this one specifically, it was in the spring. I  
2 can't remember exactly. But normally time-lapse video we'll  
3 share with our sales team members, as well as our DETs so  
4 that they can use it as a selling tool to show our customers  
5 this is what we can do. This is -- it's good promotional  
6 material for our sales side of the business.

7 Q. And in terms of the stopping of the recording, did  
8 someone tell you that they didn't record at night?

9 A. Yes. Eric, who produced the video, said he stopped the  
10 device from recording. He stopped the device from continuing  
11 to record overnight when there was nothing going on.

12 Q. And nothing going on meaning there was no production  
13 work going on?

14 A. There was no movement. There was -- there were no  
15 people working during that time.

16 Q. And is Eric -- Eric is the project manager?

17 A. That is correct.

18 Q. Does Eric report to you?

19 A. No. He reports to our regional director of project  
20 managers.

21 Q. Okay.

22 A. Who at that time reported to me.

23 MR. SHANKMAN: Nothing further.

24 MS. SIMON: So this is marketing material then; is that  
25 accurate?

1 THE WITNESS: It is used as marketing material.

2 MS. SIMON: All right. So at this point the Union is  
3 going to object to the presentation of this video under  
4 Federal Rule 901 and 1002. We recognize that these  
5 proceedings don't strictly apply the Federal Rules of  
6 Evidence. They do provide guidance on admissible evidence.

7 And under Rule 901, all video evidence must be properly  
8 authenticated, meaning that foundational evidence supports a  
9 finding that the evidence depicts what it claims to be. In  
10 the case of a time-lapse video, courts have struggled with  
11 the admissibility of this type of evidence. For example,  
12 Florida courts don't allow time-lapse video without admitting  
13 the entire original video. A party can't testify the time-  
14 lapse video accurately depicts a scene unless he saw it in  
15 real time.

16 Under Rule 1002, a party must present an original  
17 document to prove the contents of the document. The time-  
18 lapse video is not an original and has certainly been edited.  
19 To establish the contents, the Employer must produce the  
20 original video.

21 MR. SHANKMAN: Well --

22 MS. SIMON: I would further point out that this video  
23 cannot be authenticated because it is time lapse. And the  
24 witness has little knowledge or ability to state that this  
25 video described the scene that occurred and which he did not

1 witness.

2 MR. SHANKMAN: Okay. None of that applies to the use of  
3 the video or at least till I ask to have it admitted, which I  
4 haven't done yet. So at a minimum, it's a demonstrative  
5 piece of evidence that the witness can relate to in terms of  
6 describing for your benefit and the benefit of everybody else  
7 in the room to understand the Employer's position in terms of  
8 how these teams work together. So my request is I proceed.  
9 At the time we move to admit it, obviously you have your  
10 authority to exercise at that point in time.

11 HEARING OFFICER ANDELA: And you reserve further  
12 argument --

13 MR. SHANKMAN: Yes.

14 HEARING OFFICER ANDELA: -- on the --

15 MR. SHANKMAN: Yes.

16 HEARING OFFICER ANDELA: -- admissibility.

17 MR. SHANKMAN: Yes.

18 HEARING OFFICER ANDELA: Okay. So I'm going to go ahead  
19 and let them show it. And when he moves to admit it, we take  
20 note of the arguments you just made. And if you want to make  
21 any more, obviously you can do so. And I'll take yours.

22 MR. SHANKMAN: Okay.

23 HEARING OFFICER ANDELA: So for now we'll watch it, and  
24 we'll see where it takes us.

25 MS. SIMON: Thank you.



1           MR. SHANKMAN: All right. Can you, again, let's run the  
2 whole video once, and then I'm going to ask you questions  
3 about it after. Can you expand that screen right there?

4           THE WITNESS: I am, correct. I might need back help.

5           MR. SHANKMAN: Mike, do you know how to make that screen  
6 bigger?

7           THE WITNESS: Which way to go full screen, right?

8           **(Pause.)**

9           MR. SHANKMAN: There we go.

10          **(Video recording played.)**

11          HEARING OFFICER ANDELA: Okay, let's go back to the  
12 beginning. For the record, then, the video has been played  
13 in its entirety, or the time-lapse video has been played in  
14 its entirety for the room.

15          HEARING OFFICER ANDELA: And I have a quick question,  
16 just --

17          MR. SHANKMAN: Of course.

18          HEARING OFFICER ANDELA: -- a technical question.  
19 Employer's counsel showed me before a thumb drive that looks  
20 like the one that's plugged into the computer --

21          THE WITNESS: Um-hum.

22          HEARING OFFICER ANDELA: -- that you're playing the  
23 video from. Are you playing it directly from the menu that  
24 shows the thumb drive? It's not on the computer; it's on the  
25 thumb drive?

1 THE WITNESS: Correct.

2 HEARING OFFICER ANDELA: So the thumb drive that we're  
3 going to take out of that computer and give to the court  
4 reporter --

5 MR. WILLATS: Well, it's the same video copied onto the  
6 hard drive of the computer that's on the thumb drive. If  
7 what you're asking is if you want us to take that thumb  
8 drive, we can absolutely do that.

9 HEARING OFFICER ANDELA: I was just -- the video --

10 MR. SHANKMAN: You want to make that what we're talking  
11 about is the exact video.

12 HEARING OFFICER ANDELA: We're going to hand over is the  
13 video we're about to watch.

14 MR. WILLATS: We can delete what -- it's the same  
15 version on the thumb drive. But for the sake of what you're  
16 asking, we can delete the version off the thumb drive, move  
17 the version from the hard drive onto that thumb drive, and it  
18 will be the exact same thing.

19 MR. SHANKMAN: Can we just play it off the thumb drive?

20 MR. WILLATS: Well, this has made it bigger. I mean if  
21 we --

22 MR. SHANKMAN: Oh, I see.

23 MR. WILLATS: I think we have to pull it off the thumb  
24 drive to make it bigger and then --

25 HEARING OFFICER ANDELA: So it's the same images, just a

1 different format?

2 MR. WILLATS: It's the exact same file. It's just one  
3 is on a thumb drive, one is on the hard drive.

4 HEARING OFFICER ANDELA: Okay. If it's the exact same  
5 file then just for --

6 MR. SHANKMAN: Yep.

7 HEARING OFFICER ANDELA: -- that purpose --

8 THE WITNESS: Yes. That's all I'm doing.

9 HEARING OFFICER ANDELA: Thank you.

10 MR. SHANKMAN: Understood. Thank you. May I proceed?

11 HEARING OFFICER ANDELA: Yes.

12 MR. SHANKMAN: Okay.

13 Q. BY MR. SHANKMAN: All right. Can you show us what we're  
14 looking at here in terms of truss, please?

15 A. Sure. So my poor description --

16 Q. Probably got to -- probably got to aim that way so the  
17 Hearing Officer --

18 A. There you go. So that is truss there. So those are  
19 sticks of truss. So there is the -- that's what's box truss,  
20 so there is the four bars down the side with the V-shape  
21 crisscross pattern down the middle. And these are multiple  
22 sticks of truss that are interconnected to make these long  
23 rows. That's a black truss there and then there are some  
24 silver truss in the back there. And then that's some ground-  
25 supported truss there.

1 Q. All right. And go back to the ground-supported truss,  
2 if you would?

3 A. Yep, right there.

4 Q. What's the function for that particular ground-supported  
5 truss, if you know?

6 A. There is a door right there. So the ground-supported  
7 structure there allows us to run cables up and over the top  
8 so that people can still use that door safely.

9 Q. What kind of cables would run across that?

10 A. Lighting cables, audio cables, video cables, it could --  
11 power cables, could be any number of things.

12 Q. Okay. And, again, every question I'm asking now is  
13 about PSAV teams, not the universe.

14 A. Right.

15 Q. Just what it is here. Is ground truss considered  
16 rigging?

17 A. Yes.

18 Q. Who would put that ground truss together?

19 A. Either technicians or riggers.

20 Q. Is that -- is your statement in response to that it  
21 could happen, or that is, in fact, how it happens?

22 A. That's what happens. It could be depending on who is  
23 doing the set and depending on different venues, it's either  
24 done by a technician or it may be done by a rigger.

25 Q. Okay. And I'm confident we're going to hear these

1 words, so I want to make sure they're defined. There is a  
2 term "set" and a term "strike" in your industry.

3 A. Yep.

4 Q. What does a set mean?

5 A. So a set is when we are setting up all the equipment.  
6 So this is an example of a setup. So this is where we go in  
7 and we're putting together the sticks of truss. We're  
8 putting together all the audio and the lighting, video  
9 equipment for the production of the event. And the strike  
10 is it's the breakdown. After the event is finished, we're  
11 striking all the equipment. It would be this video in  
12 reverse. So it would be everything coming down, being -- the  
13 cables being wrapped, equipment being put back into cases,  
14 and then leaving the room because we have to return the room  
15 after each event to its bare form for the hotel.

16 Q. Okay.

17 HEARING OFFICER ANDELA: I have a quick question based  
18 on something you just said from venue to venue. So earlier  
19 you mentioned that the non-preferred venue, where you guys  
20 are not the preferred provider.

21 THE WITNESS: Sure.

22 HEARING OFFICER ANDELA: I don't think that's the term  
23 you used but --

24 THE WITNESS: In-house. In-house provider.

25 HEARING OFFICER ANDELA: Right. So you just said it

1 differs from venue to venue who might do it. Does that --  
2 are you just referring to in-house versus not in-house venues  
3 or --

4 THE WITNESS: Basically in the in-house venues, because  
5 in the venues where we're not in-house, we're not doing the  
6 rigging.

7 HEARING OFFICER ANDELA: Okay.

8 THE WITNESS: With the exception of ground-supported  
9 rigging. So to that extent we do -- we may do sticks of  
10 truss or a truss arch like that in a venue where we're not  
11 in-house, and that's generally being done by the AV  
12 technicians.

13 Q. BY MR. SHANKMAN: Is there ever a time where putting  
14 truss together is not considered rigging?

15 A. No.

16 Q. All right. Now, you talked about black truss versus  
17 silver truss. Is there a difference?

18 A. Only in the aesthetics.

19 Q. Black truss is typically exposed where silver truss  
20 isn't, is that the idea or --

21 A. The black truss, my understanding, it's powder coated to  
22 be black. So the silver truss is just basically the metal on  
23 its own. The black has a powder coat to have it look black.

24 Q. But there's no functional difference between the two?

25 A. No.

1 Q. Are they put together differently or the same?

2 A. They're put together the same.

3 Q. All right. Describe for us before we start the video  
4 what you see here in terms of what work has been done and by  
5 whom, if you know?

6 A. Sure. So at this point, the truss has been built so all  
7 of the truss are interconnected and they are laid out in  
8 the -- in the pattern setup as specified based on where the  
9 rigging points are and where we're going to be setting up the  
10 equipment and the stage. So everything is laid out as it's  
11 going to go up into the ceiling eventually. And the motors  
12 are connected. So, again, this is at the Gaylord where we  
13 have installed fixed points in the ceiling, those hooks. So  
14 someone has at each of those -- I'll point it out. That's  
15 the chain going from a motor, which is connected to the truss  
16 up to the ceiling. So they're all connected, all of the  
17 motors which are hanging and connected to the truss. And  
18 everything has been lifted approximately to what we call  
19 working height, which means it's about 5 or 6 feet off the  
20 ground. And it looks like at this point maybe some equipment  
21 or cables may have initially been run. And this is the point  
22 where a lot of -- the truss has been built and it's connected  
23 up to the ceiling.

24 MS. SIMON: Can I ask a question for clarification?

25 Where are we in the video right now?

1 THE WITNESS: I don't think I've hit play. This is at  
2 the very beginning.

3 MS. SIMON: So this is at zero seconds --

4 THE WITNESS: 00 seconds.

5 MS. SIMON: -- on this video?

6 HEARING OFFICER ANDELA: And I just want to -- oh, I'm  
7 sorry, go on. I didn't know if you were done.

8 MS. SIMON: So the video -- so this video does not show  
9 any of the -- any of this trussing -- did all this get -- did  
10 all this get carried in as it looks right now?

11 THE WITNESS: No. Sorry.

12 MR. SHANKMAN: I don't think that's a foundational  
13 question. I think that's -- I mean the video is at zero.

14 MS. SIMON: Okay.

15 MR. SHANKMAN: The video is what it is. I'd like to  
16 just get through it. Obviously, she's got -- counsel's got  
17 all the time world to ask cross-examination questions.

18 HEARING OFFICER ANDELA: Okay. And before we go on, I  
19 just want to point out for the record, for the reader of the  
20 record that there is no practical way, and we are not making  
21 an attempt to account on the record for -- the witness is  
22 using a laser pointer when he describes what's happening. So  
23 a lot of what has been described in the transcript is the  
24 reader of the record can follow along as best he can.

25 THE WITNESS: I will --



1 MR. SHANKMAN: I was about to get to that point because  
2 he's moving around pretty quickly.

3 HEARING OFFICER ANDELA: Okay.

4 MR. SHANKMAN: So I'm just trying to get through that,  
5 if that's okay. Excellent. Thank you.

6 Q. BY MR. SHANKMAN: You said the truss was put together.

7 A. Yes.

8 Q. Okay. Based on your experience with PSAV and your role  
9 as divisional vice president, who would typically put truss  
10 like this together?

11 A. It's a combination of our AV technicians and our -- and  
12 our riggers.

13 Q. And for an event such as this where you have truss being  
14 put together and you say a combination, does that mean that  
15 it's normally all riggers, or it's normally all AV  
16 technicians, or in fact, both are going to be on site?

17 A. It depends on the show and the venue, but both will be  
18 on site. Sometimes it's all AV technicians. Sometimes it's  
19 a combination. It really depends on the overall scope of the  
20 event.

21 Q. In your experience, is there any percentage you can  
22 estimate where riggers and technicians would be putting truss  
23 like this together?

24 A. In conjunction?

25 Q. Putting it together, together.

1 A. Yeah. I mean as a percentage, I'm probably not the best  
2 person to answer that question. I would say that it's --

3 MS. SIMON: Objection, speculation.

4 MR. SHANKMAN: Okay. Withdrawn, that's fine.

5 Q. BY MR. SHANKMAN: All right. So the truss is put  
6 together. And you said something about working height. What  
7 does working height mean?

8 A. So working height means we've raised it off the floor,  
9 so now we can work on hanging the equipment from it. So we  
10 can hang the lighting, the audio and the video, and the  
11 cables on the actual truss structure.

12 Q. And who would hang the audio, video, and whatever else  
13 you said?

14 A. It would be the AV technicians.

15 Q. And they would attach that to the truss?

16 A. That is correct.

17 Q. And what role, if any, do the riggers have as it relates  
18 to the AV technicians putting that gear on the truss?

19 A. The rigging technicians will be there as part of it to  
20 observe for safety, make sure that the weight loads are being  
21 followed, everyone is following the room diagram that's been  
22 laid out. And just working in coordination. There may be  
23 some level of needing to reposition. There's power cables  
24 that run to all of the motors so there may be a need to  
25 reposition some of the motor cables or tie the cables onto

1 the structure as well just to ensure that it is -- it's safe.

2 Q. Okay.

3 HEARING OFFICER ANDELA: A quick question. I don't  
4 remember hearing a rigging technician. Is that equal to  
5 rigger or is that a --

6 THE WITNESS: A rigger.

7 Q. BY MR. SHANKMAN: Thank you. And then in terms of  
8 the -- in this picture it's a little hard to see, but you  
9 mentioned something about that this is already connected to  
10 the ceiling?

11 A. That is correct.

12 Q. And can you just point out slowly because you're moving  
13 real fast with that laser pointer, can you point out for us  
14 where those lines would be that would show that this truss is  
15 connected to the ceiling?

16 A. So the easiest one to see is probably here on the right  
17 side of the screen. And that front truss there, that is a  
18 motor, chain motor, and that is a chain that is running from  
19 the truss up until -- up into the ceiling and connecting to  
20 the point of the ceiling.

21 Q. All right. Can we advance this video please to the  
22 point where we see people working near the truss? Okay, can  
23 you stop there. There is a white line in the first line of  
24 truss that runs left to right. Do you see that?

25 A. I do.

1 Q. Can you tell us what that is, if you know?

2 A. It looks like that is a -- I can't say for sure, but it  
3 looks like a truss teaser, which would be something we would  
4 connect to the truss to basically make it look more  
5 aesthetically pleasing.

6 Q. Who would attach that to the truss typically?

7 A. It would vary. Either a technician or a rigger.

8 Q. How you also talked in terms of cables.

9 MS. SIMON: I'm going to object to this testimony.

10 Mr. Wanamaker just said that he couldn't be sure that what  
11 this was -- that was attached to the truss. He wasn't there.

12 MR. SHANKMAN: That's a credibility determination. He's  
13 subject to cross-examination. That's not a basis to stop his  
14 testimony or otherwise exclude it.

15 HEARING OFFICER ANDELA: I'll certainly let you ask  
16 questions about it. Yeah, are you approaching it as a  
17 foundational issue or a --

18 MS. SIMON: Yeah, approaching it as a foundational issue  
19 and his competency to testify to what's in this particular  
20 video.

21 HEARING OFFICER ANDELA: Are there more questions about  
22 the white line --

23 MR. SHANKMAN: No.

24 HEARING OFFICER ANDELA: -- that goes across?

25 MR. SHANKMAN: Nope.

1 HEARING OFFICER ANDELA: So I think at the moment the  
2 record will reflect that Mr. Wanamaker is not sure what the  
3 white --

4 THE WITNESS: I will likely be able to say for certain  
5 once it's further up. I just -- I don't recall at the moment  
6 exactly what that is.

7 MR. SHANKMAN: Okay. We'll come back to it then, if  
8 that's okay. I'll withdraw that portion of the examination  
9 for the moment. That should satisfy counsel.

10 MS. SIMON: I don't think it satisfies me.

11 MR. SHANKMAN: Okay. Well, then I --

12 MS. SIMON: I disagree with that characterization.

13 MR. SHANKMAN: Okay. Well, then I won't try anymore.  
14 So --

15 THE WITNESS: Sorry.

16 MR. SHANKMAN: -- can we just proceed then? I'll  
17 withdraw that line of questioning for the record, and we'll  
18 just proceed with the video. And when it is clearer in the  
19 video, we'll see if the witness can make a statement with  
20 certainty.

21 HEARING OFFICER ANDELA: Okay. And as we stop each time  
22 that you're -- if you could tell us where on the --

23 THE WITNESS: Oh, sure.

24 HEARING OFFICER ANDELA: -- time measurement we are?

25 THE WITNESS: This is at 07 seconds, so 7 seconds.

1 MR. SHANKMAN: May I proceed?

2 HEARING OFFICER ANDELA: Um-hum.

3 MR. SHANKMAN: Thank you.

4 Q. BY MR. SHANKMAN: All right. Let's -- you mentioned  
5 that there was cabling done. At some point in this video, is  
6 there an opportunity to see the cable?

7 A. Yes.

8 Q. Could we advance to that point? Actually, you know  
9 what, stop here. Can you go back a little bit, a couple of  
10 seconds? One more.

11 A. Sorry, I went too -- that's back to 7 seconds.

12 Q. Okay, stop there if you would.

13 A. Okay.

14 Q. It appears that -- well, have AV type gear, lighting,  
15 speakers, or anything been attached to this truss?

16 A. Yes.

17 Q. Can you point out for us where that's occurred?

18 A. So in the front line here, those are lights hanging on  
19 the bottom. There's --

20 Q. For the record, we're at 14 seconds into the video.

21 A. Fourteen seconds. Those are lighting fixtures hanging  
22 at the bottom at these points as well as going down the  
23 middle of this black truss. And going down the middle of the  
24 room --

25 Q. Okay.

1 A. -- some additional lighting. And then up at the -- in  
2 the middle, towards what we call the front of the stage area,  
3 those are additional lights that have been connected there.

4 Q. And who would have attached -- as part of the PSAV  
5 process, who would have attached those lights?

6 A. AV technicians and a lighting tech specialist.

7 Q. And during this period of time, again in the normal  
8 process of how these structures are built, do the riggers  
9 remain involved in the process?

10 A. Yes.

11 Q. Can you identify anybody in particular as we sit here?

12 A. Not from this video.

13 Q. But riggers, in other words, is the rigging work done  
14 and they've left the room, or are they still involved at this  
15 point in time?

16 A. No. In fact, as we watch the video, you'll -- you would  
17 notice that the truss has moved up and down at different  
18 points, and that's somebody from the rigging team raising or  
19 lowering it up.

20 Q. All right, let's continue on a little bit. All right,  
21 stop. Can you go back to where the lights flash? Okay. So  
22 at 14 seconds there's a flash of light. Can you tell us  
23 what's going on there?

24 A. So at this point some of the -- the lights would have  
25 been connected so cables have been run on the truss. And as

1 these lighting fixtures have been connected, our lighting  
2 technician, typically our L-1, our tech specialist is testing  
3 the lights and making sure they're connected and working, and  
4 he has the ability to adjust them.

5 Q. Who would have run those lighting cables through the  
6 truss?

7 A. Our AV technician.

8 Q. Are there cables that are run specifically by rigging or  
9 by riggers?

10 A. Yes.

11 Q. And what cables are those?

12 A. Typically, what we call the motor control cables.

13 That's the cable that supplies the power to the chain motors,  
14 and those run to each motor that's connected.

15 Q. In your experience, when does that occur?

16 A. It --

17 Q. When do they run those -- the riggers, when do the  
18 riggers run those cables?

19 A. They're running them when they're connecting the motors  
20 to the truss structure.

21 Q. Okay. And is it correct to say that the lighting cables  
22 or the power cables for the lights are run when you -- when  
23 they're putting the lights on the truss?

24 A. Correct, yes. Sometimes they're pre-run as well, again  
25 either by the riggers or by the AV technician.



1 Q. Okay. If you would -- and then as we go through the  
2 video, there are multiple flashes. So we don't have to stop  
3 on each occasion, when we see a flash of light what's  
4 happening?

5 A. So that is the lighting technician turning a light off  
6 or on to test to make sure it's connected. As they're  
7 setting everything up, we want to make sure it's working to  
8 ensure that we don't put it all the way up in the air and  
9 find out once it's up there that it's not working and have to  
10 lower it back down and adjust it. So they're testing and  
11 everything as we go. And in the course of a normal setup, we  
12 would be doing this with lighting as well as audio. We would  
13 be testing the speakers, as you'll see here at the front.  
14 Those are speakers which are hung as well. So our audio  
15 technician as well is likely sending a signal to the audio to  
16 ensure that the audio is working. That would be normal  
17 practice.

18 Q. All right, would you advance it. Okay, would you stop  
19 there? It appears that there's more equipment being added to  
20 the truss. Do you see that?

21 A. Yes.

22 Q. Is that something different than what you've described  
23 already or is -- or is that the same?

24 A. It's more of the same. It's adding more audio video  
25 lighting and projection equipment.

1 Q. Okay. For this particular event, PSAV was doing the  
2 audio and the video; is that correct?

3 A. That is correct.

4 Q. Would you continue to go until we see movement in the  
5 truss, please.

6 A. There is little movement. A larger movement?

7 Q. Right there. Can you tell us what's happening there?

8 A. At 29 seconds.

9 Q. Yes.

10 A. The stage portion of the truss has been raised up into  
11 the air.

12 Q. And now if the stage portion of the truss is being  
13 raised, what's occurred with that entire piece of truss?

14 A. So in order for that to happen, members from the rigging  
15 team have a controller where they are controlling those  
16 motors. All of the motors in the back, they can control them  
17 all at once. Press a button, and that will raise that  
18 structure up into the air, moving, supplying power to each of  
19 those motors.

20 Q. In terms of audio or visual equipment that's on that  
21 truss, is that -- is there work that still needs to be done  
22 by the technicians?

23 A. Yes.

24 Q. Okay. And what happens next in that regard?

25 A. So once it's raised up to what we call trim height,

1    which is where it would be ultimately set for the event, our  
2    team members will come -- or our AV technicians or tech  
3    specialist would come in and re-aim the lights if they need  
4    to. Like they would go up in a lift, re-aim the audio, the  
5    video projection. If there's something wrong, there's maybe  
6    an issue or it looks like the weight is wrong on the truss,  
7    we may have to lower it back down and make some larger  
8    corrections. But in an ideal world, once it goes up, the AV  
9    technicians would just have to go back up and make some  
10   adjustments.

11   Q.    You heard the term "when the truss smiles"?

12   A.    Yes.

13   Q.    Could you tell us what that means?

14   A.    So if the truss has too much weight on it, more than  
15   it's designed to supply or provide, the truss would bend.

16   Q.    And I'm sorry, let me stop you.

17   A.    Sure.

18   Q.    Why would the truss bend?

19   A.    So the truss and the motors and the whole structure,  
20   it's designed to hold a certain amount of weight. And if you  
21   were to exceed that weight, it would be too heavy, and it  
22   would -- something could happen, and there could be an issue  
23   with it. Or it would start by likely bending, or there could  
24   be an instance where the truss could break and the structure  
25   could come down.

1        So as it's being raised up, the riggers as well as the  
2 AV team are watching to make sure that everything is safe,  
3 nothing is bending, there's no sounds of any problems or  
4 anything that's of concern as it's going up. And one sign  
5 that something could be wrong would be the truss smiling,  
6 which would be bending downward, meaning there's more weight  
7 than it's designed to be supporting.

8 Q.    Okay. When that occurs do -- well, what involvement, if  
9 any, does a rigger have in terms of fixing that problem?

10 A.    It would start by stopping, immediately stopping it from  
11 going up and making sure everyone was safe and clear. And  
12 depending on the severity of it, we'd either -- they'll lower  
13 it back down or take any additional precautions that we may  
14 need to at that time.

15 Q.    And who would make the decision to stop it, in most  
16 cases?

17 A.    Generally, the rigger who is raising the truss, so along  
18 with the spotters who are observing it.

19 Q.    And once the problem has been identified when the rig  
20 is -- when the truss is starting to smile or bend from the  
21 excess weight, what happens next if anything?

22 A.    Generally, at that point we need to re-evaluate the  
23 weight load, how everything is being distributed. Quite  
24 often, our rigging coordinators or our regional rigging  
25 manager would be involved to basically take a look and see

1 what might be wrong. Depending on how big of the setup, it  
2 could just be a visual inspection of just double-checking  
3 that what has been set up is in line with what was originally  
4 specified to be set up and to make adjustments as needed.

5 Q. Who would be making those adjustments? Who would make  
6 those determinations on how to adjust the weight on a  
7 particular piece of truss?

8 A. It would quite often be done by the rigging coordinator  
9 who has done the original weight load calculations. They  
10 would coordinate with whoever is on site doing the actual  
11 rigging, whether it be a tech, an AV technician, or a rigger.

12 Q. All right, thank you. All right, can we keep going  
13 then. Advance until the front set of truss, the black truss  
14 starts to go up. Actually, let me stop you. Can you go back  
15 a second or two with those scissor lifts that were shown.  
16 There we go. On the left side, you see the scissor lift  
17 that's -- is that a scissor lift?

18 A. I do, 1 minute and 22 seconds.

19 Q. 32 seconds. It's 1 minute, 22 left.

20 A. Oh, I'm sorry, at 32 seconds, you're correct.

21 Q. Okay. Can you tell us based, if you can from your  
22 observations, what that scissor lift would be doing under  
23 these circumstances?

24 A. Sure. So the scissor lift is raising a technician up to  
25 the ceiling to either tie a cable on that may have fallen or

1 he's adjusting a light. He's basically correcting some  
2 component that's up there.

3 Q. Okay. All right, would you continue then. Okay, would  
4 you stop there. So at this point, at 34 seconds, the front  
5 truss has been elevated to trim height, I think you called  
6 it.

7 A. Correct.

8 Q. There's still a number of cords -- I don't know what  
9 they are. What's hanging from the ceiling downward in  
10 terms -- what looks like cables or chains or whatever it is,  
11 I don't know what it is.

12 A. So those would be the motor control cables or the  
13 motor -- yeah, the motor control cables which is what  
14 supplies the power and the control to the motor.

15 Q. Okay. And what happens to those cables as the show  
16 progresses?

17 A. So those are -- it varies, so they'll either be  
18 disconnected at this point and taken down so that everything  
19 is just up, or depending on what needs to take place during  
20 the course of the event, how much time we have for the setup  
21 and the strike, sometimes those motor control cables and run  
22 and left up there as well. In this instance, they were  
23 connected still once it's up, so they were disconnected and  
24 brought down.

25 Q. Who would make those disconnections?

1 A. Again, either a rigger or a technician.

2 Q. All right. And let's continue. Okay, would you stop at  
3 this point.

4 HEARING OFFICER ANDELA: And real quick, if I could just  
5 interject. The last thing that you said, either a rigger or  
6 a tech. For clarity, under what circumstances would it be  
7 one or the other?

8 THE WITNESS: It depends on who is doing the work and  
9 which venue it is. You know we -- and who is -- who has the  
10 skill set to be able to do that. With a show like this at  
11 the Gaylord, it was likely a rigger because there are lots of  
12 rigger working on the event. This is pretty -- this is a  
13 pretty good example of all of the sets that we do. So at a  
14 different venue, that could have been done by a technician.

15 HEARING OFFICER ANDELA: Okay. And one other question.  
16 You touched on rigger tech equals rigger. But when you say  
17 tech versus rigger, these are non-rigger techs that you're  
18 referring to?

19 THE WITNESS: So when I say rigger, I'm referring to  
20 those individuals whose title is very specifically rigger.

21 HEARING OFFICER ANDELA: Okay. And when you say tech  
22 without saying rigger first, it's one of the AV techs.

23 THE WITNESS: AV technician or lead tech or tech  
24 specialist.

25 HEARING OFFICER ANDELA: Thanks.

1 Q. BY MR. SHANKMAN: Have we seen from going through the  
2 video up to this point there was a reference to that white  
3 linear marking, whatever that was across the bottom. Having  
4 looked at the video, can you identify what that is at this  
5 point?

6 A. As it is not still up there, I cannot say what that was.

7 Q. That's fine. Not a problem. And now at this point in  
8 time given where we are in the video, in the progression of  
9 the event, have the riggers and/or AV technicians completed  
10 their jobs as best you could tell?

11 A. Well, it's not set completely yet. So, no. The room is  
12 not set until everything is set. So as there's still  
13 equipment there and the staging is not done yet, the  
14 projection screens are not hung yet. So, no.

15 Q. Could you advance to the next section where PSAV  
16 technicians or riggers would have engaged in demonstrable  
17 work?

18 A. So at this point, the staging is being built.

19 Q. And who builds those? Who does the staging?

20 A. Again, it varies. On this show, it was a decorator or  
21 another AV company.

22 Q. Okay. And does PSAV, the riggers or technicians or  
23 anyone else from PSAV, are they involved in anybody with the  
24 creation of the staging or doing work in conjunction with the  
25 creation of the staging?



1 MS. SIMON: Can I object? That was for clarity the  
2 riggers or the AV technicians or anybody else. I'm just  
3 unclear on what that means.

4 MR. SHANKMAN: Okay. I'll rephrase it. I'll make it  
5 simpler.

6 Q. BY MR. SHANKMAN: Are riggers or technicians or AV  
7 technicians doing any work either to create the stage or in  
8 conjunction with the creation of the stage?

9 A. Regularly on our events, yes.

10 Q. And what type of work would either one do? And if you  
11 can describe which one would do what.

12 A. So the structure is there. So if it's scenic, if it's  
13 what we call scenic designs, so the backdrop and the frame  
14 that goes around the screen, that work is regularly done by  
15 our AV technicians. I would say at times the rigging team  
16 may be involved with that as well. But the riggers if it's  
17 going to be suspended from the ceiling or if it's a ground-  
18 supported truss structure as well.

19 Q. And that was my next question. Is putting up a scenic  
20 backdrop, things like that, is that considered rigging work  
21 in the industry or in the PSAV industry?

22 A. Yes.

23 Q. All right, would you continue. Okay, stop there.  
24 Actually, if you can go back a little bit. In the back left  
25 corner there was a scissor lift going up. Right there. Can

1 you tell us, and I know there's only one you could see, but  
2 typically what that would represent?

3 A. So it's either -- typically that setting, again, we're  
4 still adjusting lights now that we have a better idea of  
5 where the stage is going to be laid out. We're adjusting the  
6 lights. And we may be hanging the screens if they're working  
7 on both sides as well.

8 Q. And when you say we're adjusting the lights, who is  
9 adjusting the lights?

10 A. Our technicians.

11 Q. AV technicians?

12 A. Yes.

13 Q. And are the riggers done at this point in time in their  
14 work as it relates to this event?

15 A. No. Generally, if there is a rigger on the event,  
16 they're still there or some level of -- or some number of  
17 riggers are still on site again in case we need to make any  
18 adjustments to the truss, to be observing it for safety,  
19 making sure that we're not adding any additional weight or  
20 items to the structure which would be additional weight load.

21 Q. Okay. Are there communications normally in this  
22 environment where technicians and riggers would be talking to  
23 each other about what's going on?

24 A. Yes.

25 Q. Can you give us an idea of what that would be?

1 A. So specifically if we're going to be hanging any  
2 additional equipment, there would be reviewing of the plot,  
3 the diagram to see if again any additional equipment that  
4 might have been missed, if we need to move items over, if we  
5 need to move lighting fixtures around. Anytime you move a  
6 fixture or a lighting -- a light to a different position,  
7 it's altering the weight load on that truss. So we're all  
8 working together to make sure that it's still within the  
9 normal scope of the weight load and the truss rig as it was  
10 designed.

11 Q. And how common or uncommon based on your years of  
12 experience in this industry does it occur where a light or I  
13 assume a speaker or something else is moved like that?

14 A. It's pretty common to move a light. A speaker a little  
15 less so, especially something like that where it's a large  
16 speaker because that's a lot of weight. But moving the  
17 lights, the cables around, we have to adjust it until it is  
18 functional. And it has to look nice for the hotels as well.

19 Q. So you're saying when a light is moved, is a rigger  
20 involved or not?

21 A. It could be done by a rigger if it's something that's  
22 heavy, and we need to do, you know, move something large. Or  
23 it could be an AV technician as well.

24 Q. Now, you mentioned a speaker being -- it's not as common  
25 to move a speaker. What, if anything, occurs after as it

1 relates to speakers in relation to making sure they are set  
2 properly?

3 A. So, much like aiming a light to make sure the light is  
4 hitting the right spot, we have to aim the speakers to go in  
5 the right direction as well. So those speakers are all  
6 aiming a certain direction and they're hanging from a point.  
7 So what we actually have to do is use some guidewire or some  
8 rope to secure it from the back and make sure it's angled --  
9 it's at the right angle and positioned in the right  
10 direction. And once we have it up in the air and we're  
11 testing the audio, our audio team needs to play sound from it  
12 and make sure the sound from it and make sure the sound is  
13 covering the room in the appropriate way. So they'll go --  
14 they'll aim it. They may need to go back up in the -- in the  
15 lift up to the speaker to reposition and tie that cable to  
16 make sure it's rigged in the right direction.

17 Q. Do riggers get involved with aiming speakers?

18 A. They may, yes.

19 Q. And so if they get involved with aiming a speaker, are  
20 they working -- who are they working with, if anyone?

21 A. In conjunction with the audio technicians and the  
22 technicians who are, you know, they're communicating move it  
23 left, move it right, aim it, angle it down, angle it up.

24 Q. So they're working together to optimize the sound of  
25 that speaker.

1 A. That is correct.

2 MS. SIMON: Objection. I know it's a non-adversarial  
3 proceeding, but it's a lot of characterization and a lot of  
4 leading.

5 MR. SHANKMAN: I disagree that it's a lot. I agree that  
6 last sentence was, but I was trying to close out the thought.

7 HEARING OFFICER ANDELA: Okay.

8 MR. SHANKMAN: I'll rephrase it if we need to, in a  
9 non-adversarial proceeding.

10 HEARING OFFICER ANDELA: Or we can just withdraw what  
11 you said and leave it at --

12 MR. SHANKMAN: I can withdraw it.

13 HEARING OFFICER ANDELA: -- what the witness ended on.

14 MR. SHANKMAN: That's fine. That's perfectly fine, too.  
15 Okay?

16 MS. SIMON: Thank you.

17 Q. BY MR. SHANKMAN: Let's keep going please in the video.  
18 So, Kevin, stop there. At a minute 17, Mr. Wanamaker, is  
19 what we've seen in the video more -- well, you tell me. What  
20 are we seeing in the video, in the progression?

21 A. Sure. So at this point now the screens are in place.  
22 Like our projectors would be in place. So we've got the  
23 video component is now built so that the -- so on the left  
24 side and the right side of the stage, those big white  
25 surfaces are the screens that will --

1 Q. Okay. Let me stop you. Could you point to them,  
2 please?

3 A. So there and there. Those are the screen surfaces that  
4 we would project to.

5 Q. Okay. And who would hang the screens, if you know?

6 A. Either an AV technician or rigger, whoever is assigned  
7 to it.

8 MS. SIMON: Can I just ask a question for clarification.  
9 Are those screens hung, or are they on the floor?

10 THE WITNESS: They are hung from a structure there. So  
11 there is -- this would be a structure that was built, and  
12 then the screens are placed into there and connected. In  
13 some instances, they may be ground supported. Sometimes  
14 they're hung, and sometimes they're inserted into a  
15 structure.

16 Q. BY MR. SHANKMAN: Well, let's talk generally. Are there  
17 times -- forget this video for the moment. Are there times  
18 where a screen is attached to a ground truss?

19 A. Yes.

20 Q. When a screen is hung, where would it typically be hung  
21 from?

22 A. So typically it's hung from points in the ceiling, so  
23 those fixed hang points that we have in the different rooms.  
24 We would hang screens from there.

25 Q. Are there hotels in -- within the PSAV -- well, withdraw

1 that.

2 Are there hotels or venues where PSAV works, where AV  
3 technicians work and screens are hung from fixed points?

4 A. Yes.

5 Q. All right. And who does that work?

6 A. AV technicians.

7 Q. What else is going on in this video, at this point, at a  
8 minute 17?

9 A. So there is a backdrop being built, and again, still  
10 adjusting the lights and testing those and just make sure  
11 everything is in position. So still setting everything up.

12 Q. Okay. Is it still AV technicians are in the room?

13 A. Yes.

14 Q. And would again riggers normally continue to be in the  
15 room the way you described earlier?

16 A. In some capacity, yes.

17 Q. Okay. All right, keep going, please. And so if you  
18 could just progress until there's a change in the environment  
19 from testing the lights and setting things up.

20 A. So at a minute 23, now obviously the video is on, so you  
21 can see the video being connected. And our video  
22 projectionist or a video technician is basically configuring  
23 the projector to fill the screen and make sure it's  
24 positioned correctly.

25 Q. Okay. And how would the AV technician set the video so

1 that it's projecting correctly?

2 A. They're basically positioning the projector in the right  
3 spot so that it squares up with the screen and fills the  
4 screen completely. And then there is actually a menu there.  
5 They're going through the settings on the projector to make  
6 sure that it is sized correctly, it's focused and it's  
7 oriented the right way, and that the screens and the projects  
8 match on both sides.

9 Q. And if there was a problem with that projector at this  
10 point in time, how would it be in terms of its functionality?  
11 Assuming it didn't work correctly, how would that be handled?

12 A. The technician would have to basically either replace  
13 the projector, or they would be able to troubleshoot it and  
14 fix it and move it in some capacity.

15 Q. If a projector had to be replaced, would rigging be  
16 involved? Would a rigging team ever be involved at all?

17 A. It could be if it's -- if it's flown, if it's hung from  
18 the truss. Or it could be handled by a technician depending  
19 on how the projector was set up.

20 Q. When you say -- you're using a different term we're not  
21 used to yet. You said it was "flown" or "hung" from the  
22 truss. What does that mean?

23 A. Ah, so flown equipment is equipment that is up in the  
24 air connected to the truss or a motor, some form.

25 Q. And then why would a rigger be involved if it was flown



1 from the truss?

2 A. If it was a complex setup where maybe different sections  
3 of the truss needed to be adjusted. Generally, it would be  
4 set up in a way where it would be easily accessible and we  
5 would be able to make the change in a normal way. But there  
6 could be a scenario where a rigger was helping with that as  
7 well.

8 Q. So even though the show is at this stage of development,  
9 would a rigger remain on site then to be available for that  
10 kind of work?

11 A. We would still have -- yeah, we would still need, have  
12 somebody available if we needed to do additional work in some  
13 form, yes.

14 Q. Okay. All right, can you continue to the next  
15 substantive change in the setup.

16 A. So at that point, this is 1 minute, 35 seconds. This is  
17 the stage lights are on. We're probably coordinating with  
18 the ESPN and the production crew to make sure that everything  
19 is basically lit in the way that they want it to be. And  
20 we're nearing the end of the setup process.

21 Q. Okay.

22 A. And this is 1 minute, 53 seconds. Essentially the room  
23 is set. Everything is on the screens. Lights are ready for  
24 the show, as well as the audio.

25 Q. Okay. Now, this is what they call a set?

- 1 A. That is a set.
- 2 Q. All right. And then a strike then is what?
- 3 A. That in reverse. So everything that just went up is
- 4 we've got to take it down, pack it up, and clean out the room
- 5 until the room is back to a blank room.
- 6 Q. So we saw the video where the truss went up and you --
- 7 like you said the riggers would be pushing buttons to control
- 8 the chain motors to take the truss up, right?
- 9 A. That is correct.
- 10 Q. When the truss comes down, who controls that?
- 11 A. Again, generally, a rigger will lower it on this show.
- 12 It could be an AV technician in some venues as well.
- 13 Q. All right. And then we talked about speakers and
- 14 projectors and lights being attached to the truss. Who would
- 15 disassemble those pieces of equipment from the truss?
- 16 A. Generally, the AV technician.
- 17 Q. Okay. And when the truss is taken down, who disconnects
- 18 the chain motors from the points and from the unit?
- 19 A. In this show, a rigger. In other venues it's either a
- 20 rigger or an AV technician.
- 21 Q. And then when the cables are being pulled -- pulled off
- 22 the truss, I assume; is that correct? Cables come off the
- 23 truss?
- 24 A. That is correct, yes.
- 25 Q. And who is taking down the cables?

1 A. Either a rigger or an AV technician.

2 MS. SIMON: Can I get some clarification? You talked  
3 about a number of different kinds of cables.

4 MR. SHANKMAN: I'm getting there.

5 Q. BY MR. SHANKMAN: But I -- keep going. There are cables  
6 for that riggers run, and there are cables that technicians  
7 run, right?

8 A. Yes.

9 Q. Who would be handling each types of cables?

10 A. Generally, at that point, everything is pretty  
11 intertwined because all those cables have been run together,  
12 so they would be working together. And it's whoever grabs a  
13 cable will be pulling it off. And we wrap them all together.

14 Q. When you say they would be working together, who is  
15 they?

16 A. The riggers as well as the AV technicians.

17 Q. So they would be working together and removing the  
18 cables?

19 A. Yes.

20 Q. Is there any specific -- is there any work that is --  
21 well, withdraw that. Okay.

22 MR. SHANKMAN: I have nothing further. Move for the  
23 admission of the video, which I think is Number 5, Employer's  
24 Number 5.

25 HEARING OFFICER ANDELA: I have a couple of questions,

1 and I don't know if it's better to go now or have you do  
2 yours. Kind of just big picture. I think I'll just --

3 MS. SIMON: Please.

4 HEARING OFFICER ANDELA: -- ask a couple of things. At  
5 the risk of mischaracterizing something you said, it sounded  
6 in the description as if -- well, a set of this size and  
7 scope, what is a full complement of riggers that would show  
8 up for this?

9 THE WITNESS: How many? How many riggers worked on  
10 this?

11 HEARING OFFICER ANDELA: How many people.

12 THE WITNESS: And event like this might be 14, 15, 16  
13 riggers.

14 HEARING OFFICER ANDELA: And there would be times that  
15 all 14, 15, 16 would be present at the same time?

16 THE WITNESS: Correct.

17 HEARING OFFICER ANDELA: So when we get to the point  
18 where you said somebody remains in some capacity, how many --  
19 or, again, this size and scope set, how many would need to  
20 remain?

21 THE WITNESS: Could be two, could be four depending on  
22 how much we're overseeing. We always have -- the riggers  
23 always work in pairs for safety, and so they can communicate  
24 with each other as well. So something like this, two or  
25 four.

1           HEARING OFFICER ANDELA: And then by the end of the  
2 strike, we're back to the full complement of 14, 15, 16?

3           THE WITNESS: That would be correct, more or less.

4           HEARING OFFICER ANDELA: And do we go from 14, 15, 16 to  
5 the minimum in one fell swoop and then back up again, or do  
6 they peter off and --

7           THE WITNESS: Depending on what else we have going on  
8 and what we're working on and the complexity of the set, it  
9 could be. Or it could be the first section is up and now we  
10 need -- and then when the other section goes up then maybe  
11 we're down to four. It varies depending on the -- on the  
12 set.

13          HEARING OFFICER ANDELA: Were you ever physically  
14 present at this set or strike?

15          THE WITNESS: I was actually -- I believe I was on site  
16 for the strike. I couldn't say for certain. I know I was  
17 there for a couple of the show days for sure.

18          HEARING OFFICER ANDELA: I think I'll stop there.  
19 Ms. Simon? And, again, Employer has moved for admission,  
20 so --

21          MS. SIMON: Right. So the Union would renew its  
22 objection for the bases previously identified prior to the  
23 showing of the video. In addition, the Union would add that  
24 at no point in time was the witness able to identify anyone  
25 in the video, so there's no way to know what classification

1 anyone was or what work that they were doing. In addition,  
2 the video appears to start in the middle of the process, so  
3 there's -- at the zero point, zero seconds, the truss is  
4 already completely laid out. There are motors and chains  
5 hanging from the ceiling. There's no way to tell how that  
6 got there, how it was planned, how it was designed, how those  
7 motors were hung, how those chains were hung. There's no way  
8 to tell who was on any of the lifts at various points in  
9 time. There's no way to tell who built the truss, who  
10 attached the cables.

11 So in addition to the foundational objections the Union  
12 has asserted, the Union would also object based on relevance  
13 and the ability to show what different classifications were  
14 doing during this setup.

15 HEARING OFFICER ANDELA: Mr. Shankman?

16 MR. SHANKMAN: I'd like to ask additional questions of  
17 the witness that relate directly to those factors.

18 HEARING OFFICER ANDELA: Okay.

19 Q. BY MR. SHANKMAN: Does PSAV have fixed points at the  
20 Gaylord?

21 A. Yes.

22 Q. What is the contractual relationship with the Gaylord  
23 about those fixed points?

24 A. Only our PSAV team can rig from those points.

25 Q. Okay.

1 MS. SIMON: I'm sorry. Can you repeat that answer?

2 THE WITNESS: Only PSAV can rig from the fixed points at  
3 the Gaylord.

4 Q. BY MR. SHANKMAN: So if there is chain motors attached  
5 to the fixed points is -- from a contractual standpoint, no  
6 one other than PSAV is permitted to do it?

7 A. That is correct.

8 Q. Is it your experience as division vice president that if  
9 there are chain motors attached to the fixed points at  
10 Gaylord, who would have done that work in most circumstances?

11 A. We did them.

12 Q. And how about in all circumstances?

13 A. In all circumstances. I'm not aware of any  
14 circumstances where we've -- or somebody else has hung from  
15 those points.

16 Q. And is there a circumstance contractually where that  
17 would be permitted for someone else to do it?

18 A. No.

19 Q. And you're particularly familiar with the Scripps  
20 Spelling Bee, right?

21 A. Yes.

22 Q. Were invoices generated for the Scripps Spelling Bee?

23 A. Yes.

24 Q. Those are invoices from PSAV?

25 A. That is correct.

1 Q. Were those invoices paid?

2 A. Yes.

3 Q. Did PSAV subcontract any of that rigging work to anybody  
4 else?

5 A. No, not the rigging work.

6 Q. Okay. When the -- there was a comment made by counsel  
7 about the truss, we don't know who put the truss together.

8 Do you know who put the truss together?

9 A. It would be our PSAV team.

10 Q. Do you know the --

11 MS. SIMON: Objection. The basis for that, foundation  
12 for that evidence?

13 THE WITNESS: It was part of -- answer that?

14 Q. BY MR. SHANKMAN: We're informal, so go ahead.

15 A. It was part of the order, part of the order and part of  
16 our rigging product that was given to that customer is we  
17 build that truss and provided the motors and the points.

18 HEARING OFFICER ANDELA: Are you able to say, when you  
19 say "we," the team, are you able to say which classifications  
20 would have --

21 THE WITNESS: It would have been a combination of our AV  
22 technicians as well as some of the riggers as well.

23 Q. BY MR. SHANKMAN: I want to be clear about that. I was  
24 about to -- because the Hearing Officer asked you the  
25 question about what is the full complement of riggers. You



1 estimated 14, 15, or 16. How many AV techs would typically  
2 be involved in a show of this magnitude?

3 A. This size, 20, 22, maybe even more than that.

4 Q. And putting the truss together is called what?

5 A. Building the truss, truss building.

6 Q. Truss building. And are -- is that something that AV  
7 techs do or is that strictly riggers?

8 A. No, AV technicians do that.

9 Q. So of the roughly 20 technicians, AV technicians, and  
10 the 14 to 16 riggers, based on your experience, what  
11 involvement, if any, would they have either separately or  
12 together in putting that truss together?

13 A. It would have been for something this size, it would  
14 have been a combination of --

15 MS. SIMON: Objection, speculative. Mr. Wanamaker is  
16 certainly free to testify about his general experience. But  
17 with regard to this particular show, I think it's been  
18 established that he wasn't there. There is no foundation.  
19 He can't identify anybody in the video. There is no  
20 foundation.

21 MR. SHANKMAN: That's incorrect. The question was based  
22 on his experience and a show of this magnitude, who would be  
23 involved in putting this truss together. That is within the  
24 exclusive purview of PSAV by contract with the Gaylord. I  
25 think the witness can testify to that.

1 MS. SIMON: Again, he cannot --

2 MR. SHANKMAN: Particularly given the informality of the  
3 evidentiary rules that apply to these proceedings.

4 MS. SIMON: I'm going to renew the objection.

5 HEARING OFFICER ANDELA: And your objection is to that  
6 particular question and answer at this point? I mean you  
7 generally have that objection to the whole line.

8 MS. SIMON: Right, I have that objection to testimony  
9 regarding this particular show because Mr. Wanamaker simply  
10 wasn't there.

11 HEARING OFFICER ANDELA: So let me ask a couple of  
12 questions.

13 MR. SHANKMAN: Of course.

14 HEARING OFFICER ANDELA: Do you intend to have other  
15 witnesses walk us through in the steps of this or is this --

16 MR. SHANKMAN: It wasn't my intention to go through the  
17 detail. My next witness, however, has significant knowledge  
18 about -- he's the senior person in the rigging program, so he  
19 can testify I believe about these particular events with  
20 particular knowledge about this event as well.

21 HEARING OFFICER ANDELA: And do you anticipate using the  
22 video again or just referencing -- you showed us before --

23 MR. SHANKMAN: Yeah, I don't --

24 HEARING OFFICER ANDELA: -- there were two screens on  
25 the side, either side of the stage.

1 MR. SHANKMAN: Right. I'm not planning on using the  
2 video again. But based on counsel's objections, if I need to  
3 use the video again to get it into evidence if you don't  
4 admit it, then I may be back.

5 HEARING OFFICER ANDELA: Okay. And --

6 MR. SHANKMAN: My intention was to get it into evidence  
7 through this witness. But if we're raising these types of  
8 issues, I may have to revisit it.

9 HEARING OFFICER ANDELA: So I think earlier you said the  
10 purpose of the video is to demonstrate community of interest.  
11 Is that a misquote? I wrote that, but I'm --

12 MR. SHANKMAN: No, you wrote that in the context of  
13 counsel's objection to try and keep the video from being  
14 shown at all.

15 HEARING OFFICER ANDELA: To being shown, okay.

16 MR. SHANKMAN: And I raised the issue that we didn't  
17 have to address that now because it's demonstrative evidence  
18 at a minimum.

19 HEARING OFFICER ANDELA: Okay. Let the record show I  
20 just gave the thumbs up. So let me ask you for what purpose  
21 are you offering this video into evidence?

22 MR. SHANKMAN: The purpose is to demonstrate with this  
23 witness's testimony in addition to other testimony that's  
24 available that riggers and technicians work together  
25 performing rigging type work. I mean this is a clear

1 example. What the witness has testified to perhaps over  
2 objection, I haven't heard you -- I haven't heard -- I don't  
3 think you've ruled on the objection yet. But this witness's  
4 -- this witness and others will testify to numerous occasions  
5 where riggers are putting truss together or doing work with  
6 truss and AV technicians are, in fact, bolting the truss  
7 together, working side by side with the riggers.

8 And then this video, in fact, demonstrates not only will  
9 they work together to put the truss and you don't see that  
10 part in the video, but how they're working side by side in  
11 developing a single product, this show, with all the  
12 equipment that goes on together. And then once the equipment  
13 is up, once it's tested, once the cables are run, which  
14 they're both working on the truss together, they're working  
15 together in the event as the witness testified to when the  
16 gear smiles, riggers may need to get back involved and adjust  
17 weight loads, adjust the rig itself, et cetera So --

18 HEARING OFFICER ANDELA: And, again, you offer this  
19 video -- did you say purports to be a time-lapse video  
20 showing at least part of the setup of the 2018 Scripps  
21 Spelling Bee?

22 MR. SHANKMAN: I would say a significant part of the  
23 setup. But yes. It doesn't show the truss being pieced  
24 together. It otherwise shows from that portion up until the  
25 end how the technicians and the riggers are working together

1 putting the event up, all of which is corroborated by the  
2 witness's testimony or supported and described by the  
3 witness's testimony.

4 HEARING OFFICER ANDELA: Mr. Wanamaker, were you ever in  
5 that -- well, I asked this a little differently before. Were  
6 you ever in that room at any stage of setup or strike,  
7 including during the time it was up, so in between setup and  
8 strike?

9 THE WITNESS: For the 2018 event, I can't recall. We do  
10 hundreds of events each year. I have been in the room for  
11 the setup of this event at some point. I cannot recall if  
12 it's this year or it could have been a prior year.

13 MR. SHANKMAN: If I may, if you want to defer ruling on  
14 the admission of this particular video, my next witness was  
15 in the room in 2018. He will have direct knowledge.

16 HEARING OFFICER ANDELA: It might not be necessary.  
17 Just a couple of things and I --

18 MR. SHANKMAN: Yeah.

19 HEARING OFFICER ANDELA: Every setup, every -- what  
20 would we call this. I mean we're using set as a --

21 THE WITNESS: Yeah.

22 HEARING OFFICER ANDELA: -- a verb. But it's also a  
23 set. It's a --

24 THE WITNESS: Yes, it's a noun as well.

25 HEARING OFFICER ANDELA: They're all built in accordance

1 or pursuant to specifications of like a scenic designer or  
2 set designer?

3 THE WITNESS: Yes.

4 HEARING OFFICER ANDELA: They all are different from  
5 each other. I mean there are certain stock ones, I'm sure.  
6 But this is not -- every set does not look like what we're  
7 seeing in this, correct?

8 THE WITNESS: That's correct, yes.

9 HEARING OFFICER ANDELA: But the process you're  
10 describing, you have been part of sets and strikes.

11 THE WITNESS: Hundreds of them.

12 HEARING OFFICER ANDELA: Hundreds.

13 THE WITNESS: And I'm under oath, so I cannot say if I  
14 remember completely that I was there for this year because  
15 I'd see this every day.

16 HEARING OFFICER ANDELA: So the things you've described,  
17 whether or not they're happening in this video, to the extent  
18 that this video is used as a visual aid for your testimony,  
19 would you say you're describing just what you're watching on  
20 the screen or from your personal knowledge of this process?

21 THE WITNESS: From my personal knowledge. This is the  
22 process for our sets. And different levels, maybe smaller,  
23 maybe larger depending on what's going on, the equipment can  
24 be configured in different places, but this is more or less  
25 how the process works for our setups.

1 MR. SHANKMAN: If I may?

2 HEARING OFFICER ANDELA: Um-hum.

3 Q. BY MR. SHANKMAN: When you talk about the AV technicians  
4 and riggers working together to put the truss together, is  
5 that isolated to this particular event?

6 A. No.

7 Q. Okay. Is that -- what's the frequency that you see that  
8 in your role as divisional vice president and all your  
9 experience in the AV industry?

10 A. All the time. As I visit properties and as I've worked  
11 on properties, our teams work side by side. I see them  
12 working side by side. I go out in the field, and I say hello  
13 to everybody, and it's I see groups of employees all the  
14 time, and everyone is working together.

15 Q. And the groups or teams you're referring to are whom?

16 A. Whether it be the riggers, the AV technicians, the power  
17 technicians, there's everyone is working together on the  
18 event for the customer and making sure the production comes  
19 together because there's lots of different elements. And  
20 they all work together to make sure it happens.

21 Q. Okay. And that's based on -- you've seen it, you've  
22 witnessed it?

23 A. Absolutely.

24 Q. Okay.

25 MR. SHANKMAN: We renew our request to admit Exhibit 5.

1           HEARING OFFICER ANDELA: Without making up a percentage,  
2 how much of the process does not vary from set design to set  
3 design? How much of what you've described is germane to  
4 every setup?

5           THE WITNESS: Yeah, it's 90 percent is the -- what you  
6 saw is what's happening in a different scale or a different  
7 position of the equipment. But that's our process is to  
8 start setting up the equipment, setting it up, testing it as  
9 we go along, adjusting it up until it's ready to go, ready  
10 for the event to actually take place. And that's the process  
11 as it happens. And different parts are hung, different parts  
12 are on the ground, but everyone is working together. And  
13 that's 90, 95 percent of it. That's how everything goes.  
14 And then, again, that in reverse after the event.

15          HEARING OFFICER ANDELA: As far as that as you put it a  
16 large majority of the process that's the same from project to  
17 project, is this video a reasonable representation of that  
18 process?

19          THE WITNESS: Yes.

20          HEARING OFFICER ANDELA: For those parts of that  
21 process?

22          THE WITNESS: Yes, absolutely.

23          HEARING OFFICER ANDELA: Ms. Simon, if you have any  
24 other questions or arguments?

25          MS. SIMON: Regarding the admissibility?



1 HEARING OFFICER ANDELA: Yeah.

2 MS. SIMON: I do have a couple of questions for  
3 clarification from what was shown in that video.

4 **VOIR DIRE EXAMINATION**

5 Q. BY MS. SIMON: You mentioned that you couldn't identify  
6 anyone specific. Do you know if everyone in that video was a  
7 PSAV employee?

8 A. I do not. And there's components to that particular  
9 video, that particular setup where there would have been  
10 folks who would not have been, for example, the people who  
11 were setting up the chairs. Some of the people who were  
12 setting up the scenic, I don't believe we set up the scenic  
13 in this particular event. In other events we will.

14 Q. What is the scenic?

15 A. So scenic would be so behind where the contestants sit,  
16 so on the stage, those are all seats. Those little black  
17 dots, that's where the contestants sit. That is a scenic  
18 design. It's a backdrop. It could be a pattern or it could  
19 be spandex pieces. That's the scenic. We do build scenic  
20 and provide scenic. I don't believe we did for this event.

21 Q. Do you know what company was doing the scenic for this  
22 production?

23 A. I do not.

24 Q. And do you know how the scenic, the backdrop was erected  
25 or attached?

1 A. It appears from the video and from my recollection of  
2 the event that it's ground supported. In some cases, scenic  
3 will be hung as well, depending on the event.

4 Q. Do you know whether PSAV employees did the lighting for  
5 the show?

6 A. We did do the lighting for the show.

7 Q. Okay. Do you know if there's any other, in addition to  
8 the scenic design and I believe you said the chair setup, is  
9 there any other component of this that was performed by  
10 non-PSAV employees?

11 A. Actually, I want to back up because I said we did the  
12 lighting. We did the audio and the video, I misspoke, not  
13 the lighting for this event.

14 Q. Not the lighting. So do you know which company did the  
15 lighting?

16 A. I do not. And, again, in many shows we do the lighting.  
17 This particular one we did not.

18 Q. Okay.

19 MS. SIMON: So I would think that I would renew my  
20 objection for all those stated. In addition, I think that  
21 this most recent set of questions establishes that people  
22 performing this work aren't even all necessarily PSAV  
23 employees. The witness's testimony regarding the PSAV, the  
24 AV technicians and/or the riggers and/or anyone else putting  
25 lighting on the truss, adjusting the lighting, that being

1 seen what's between the employees of PSAV in this particular  
2 case at least is inaccurate. And I think that illustrates  
3 the problems with this particular video.

4 MR. SHANKMAN: If I may?

5 HEARING OFFICER ANDELA: Um-hum.

6 **DIRECT EXAMINATION (cont.)**

7 Q. BY MR. SHANKMAN: Mr. Wanamaker, you corrected your  
8 testimony about the lighting. When you say that PSAV did the  
9 audio and the video, right?

10 A. Correct, yes.

11 Q. Okay. Are -- is there evidence of audio work being done  
12 in this video?

13 A. Yes, there is.

14 Q. And is that the speakers that you were referring to?

15 A. That is correct.

16 Q. What about the video itself, the video work done?

17 A. The screens and the projectors are often hung as well.

18 Q. Who would have done that work? Who would have hung the  
19 speakers and -- well, who would have hung the speakers?

20 A. Our AV technicians.

21 Q. Okay. And who would have directed the speakers?

22 A. Generally, an AV technician.

23 Q. And earlier we talked about riggers working with AV  
24 technicians sometimes; does that apply as well?

25 A. Yes.

1 Q. Who would have hung the projectors as portrayed in this  
2 video?

3 A. Sure. Either an AV technician or a rigger.

4 Q. And as we sit here today, the spelling bee event that is  
5 the subject of this video showing the projectors and showing  
6 the speakers, that work would have been done by PSAV AV  
7 technicians and riggers or some combination of the two?

8 A. That is correct.

9 MR. SHANKMAN: Nothing further. Actually, I have one  
10 more question, if I may, while you're thinking.

11 HEARING OFFICER ANDELA: Okay. Yeah.

12 Q. BY MR. SHANKMAN: Let's not focus so much on AV  
13 technicians. All the rigging work was done by whom?

14 A. PSAV riggers.

15 Q. So all the rigging work that we saw in the video, that  
16 was done exclusively by PSAV rigging as well?

17 A. Well, and the truss would have been, again, AV  
18 technicians as well as the riggers.

19 Q. I'm sorry, that's right.

20 A. But the portion of the raising of the truss would have  
21 been done by the riggers and likely the connecting of the  
22 motors up in the ceiling.

23 Q. So this video depicts work actually done by AV  
24 technicians and riggers of PSAV in 2018?

25 A. That is correct.

1 MR. SHANKMAN: Okay. This time I'm serious. Nothing  
2 further. This time I mean it.

3 HEARING OFFICER ANDELA: And, Petitioner, did that bring  
4 up anything new?

5 **VOIR DIRE EXAMINATION**

6 Q. BY MS. SIMON: Can you identify the rigging work that  
7 was being done besides the raising and lowering of the truss,  
8 the motors?

9 A. So the building of the truss which we don't see in the  
10 time lapse, but obviously it's built when the video begins.  
11 So that is part of the rigging work. That truss does not  
12 come like that. It is assembled in the room. And every time  
13 it is going up and down, that is being controlled by the  
14 rigging team. That is -- that and the hanging of all the  
15 fixtures. So the hanging of lights, the speakers, that's all  
16 overhead rigging.

17 MS. SIMON: Nothing further.

18 MR. SHANKMAN: Just to round out the witness's  
19 testimony.

20 **DIRECT EXAMINATION (cont.)**

21 Q. BY MR. SHANKMAN: Is there any ground work -- any ground  
22 truss work that's considered rigging in this video?

23 A. Yes. As I pointed out at the beginning, the truss  
24 bridge around the door is ground work rigging, as well as it  
25 would be an example of that with the screen surround that was

1 built as well. That's another example of ground-supported  
2 rigging for that screen.

3 Q. So when Union counsel asked about all the rigging that  
4 was done, have we now covered everything?

5 A. Now we have.

6 Q. Okay, thank you.

7 HEARING OFFICER ANDELA: All right, I'm going to allow  
8 the video into evidence. Now, you can continue to raise any  
9 objections that may come up in later testimony, too. And  
10 given that this is a non-adversarial fact-finding proceeding,  
11 I will specify that the basis for which I'm allowing it is to  
12 allow the reader of the record to view the video that's being  
13 described in the testimony, and I cannot circumscribe what  
14 you're letting in for -- what you're proposing it for, but --  
15 and the reader of the record can assign whatever weight to  
16 the video it wants. But as a reasonable representation of a  
17 typical setup that's performed by the PSAV team, I'll let it  
18 in for that purpose.

19 **(Employer's Exhibit 5 received in evidence.)**

20 HEARING OFFICER ANDELA: And at this point I will take a  
21 moment to -- can someone tell me, because I don't think we've  
22 done it on the record, PSAV, it's on the petition as a d/b/a  
23 name for the Employer.

24 MR. SHANKMAN: Correct.

25 HEARING OFFICER ANDELA: We've corrected the name on the

1 record, but it does not contain the d/b/a. So I don't think  
2 we've mentioned PSAV other than during the testimony.

3 MR. SHANKMAN: Not -- you're right. That's the first  
4 thing you said and --

5 HEARING OFFICER ANDELA: So every time we've  
6 mentioned --

7 MR. SHANKMAN: -- for the last 2 hours I've ignored you.

8 HEARING OFFICER ANDELA: Right.

9 MR. SHANKMAN: Sorry.

10 HEARING OFFICER ANDELA: Every time we've mentioned PSAV  
11 and going forward, the reference is to the doing business as  
12 name of the Employer.

13 MR. SHANKMAN: That's correct. And if I can,  
14 customers --

15 Q. BY MR. SHANKMAN: How do our customers or how do your  
16 customers know the Company?

17 A. We're known as PSAV.

18 Q. Okay. So that is the trade name for Audio Visual  
19 Services Group?

20 A. That is correct.

21 Q. Okay.

22 HEARING OFFICER ANDELA: And so I'll give -- back to the  
23 video. I didn't mean to like cover my tracks bringing them  
24 out, but I didn't just want to forget. Given what I've  
25 ruled, I'm hoping that we don't need to use the video on

1 direct examination with any other witnesses since we've seen  
2 it and since the other witnesses which were not  
3 sequestered -- who were not sequestered were all able to  
4 watch it. We can maybe try to just speak from memory and  
5 personal experience as opposed to having to go back.

6 MR. SHANKMAN: Now that you've admitted it, that's my  
7 intention.

8 HEARING OFFICER ANDELA: Visual aid to help illustrate  
9 testimony. We've seen it. And those of us who have never  
10 seen a set or strike hopefully have a better idea. And the  
11 reader of the record will be in the same boat.

12 MR. SHANKMAN: Yep. I agree.

13 HEARING OFFICER ANDELA: All right. So do you have  
14 further questions for Mr. Wanamaker?

15 MR. SHANKMAN: Not at this time.

16 HEARING OFFICER ANDELA: Ms. Simon?

17 MS. SIMON: Can I have a few minutes?

18 **HEARING OFFICER ANDELA: Sure. Off the record.**

19 **(Off the record from 2:59 p.m. to 3:27 p.m.)**

20 HEARING OFFICER ANDELA: All right. Ms. Simon?

21 MS. SIMON: All right, thank you.

22 **CROSS-EXAMINATION**

23 Q. BY MS. SIMON: Good afternoon, Mr. Wanamaker. My name  
24 is Jennifer Simon. I'm counsel for Local 22, and I'm going  
25 to ask you a few questions.



1 A. Okay.

2 Q. So during your testimony there was some testimony  
3 regarding I think exclusive contracts or in-house contracts  
4 to perform certain work. And my understanding is that in  
5 those cases PSAV would be the only service provider that  
6 could perform the service in that property; is that accurate?

7 A. For which service are you referring to?

8 Q. Why don't we just kind of start from the beginning.  
9 We'll start with rigging, for example. How would it be --  
10 would it be the case that PSAV would be -- there's a certain  
11 kind of contract where PSAV is the only service provider that  
12 can perform rigging work.

13 A. That is correct.

14 Q. Okay. And that's the case with a lot of your rigging  
15 work; is that accurate?

16 A. In venues where we've installed the rigging points, that  
17 is correct.

18 Q. Installed the rigging points. And can you name some of  
19 those facilities in this area?

20 MR. SHANKMAN: Objection. I don't know what the  
21 relevance of the actual facilities, the names of the hotels  
22 would be. It also tends to lead towards confidential and  
23 proprietary information. So --

24 HEARING OFFICER ANDELA: In terms of the relationship  
25 between venue and PSAV?

1 MS. SIMON: PSAV.

2 MR. SHANKMAN: In terms of the exclusivity. What I  
3 don't want to have happen is we start developing a record of  
4 contractual discussions of each particular venue and where we  
5 have exclusivity versus not.

6 MS. SIMON: What I'm trying --

7 MR. SHANKMAN: Go ahead.

8 MS. SIMON: What I'm trying to do is figure out where --  
9 is there exclusivity in terms of the rigging work versus the  
10 audio visual work and what the difference is between that  
11 kind of the work that's performed. I think that's very  
12 relevant to these proceedings.

13 HEARING OFFICER ANDELA: Can we try to get there without  
14 the locations first and then see if --

15 MS. SIMON: Sure.

16 MR. SHANKMAN: I mean a line of questioning based on  
17 whether exclusivity exists on the AV side would help you get  
18 there.

19 Q. BY MS. SIMON: If there is exclusivity -- so there's  
20 exclusivity for the rigging work that's performed in certain  
21 venues if you install the rigging points; is that accurate?

22 A. That's correct. We are responsible for doing all of the  
23 rigging work for purposes of making sure that it's done  
24 safely within the venue.

25 Q. Can you define the scope of that rigging work that

1 you're exclusively responsible for providing?

2 A. So it's anything that's hanging from the hang points, as  
3 well as any overhead rigging in the building.

4 Q. What are the hang points?

5 A. So those are the installed hang points that would have  
6 been installed, again either by PSAV or by a contractor. So  
7 those are part of the structure and built into the structure.

8 Q. Would those be hanging from the ceiling?

9 A. They would be installed in the ceiling generally, yes.

10 Q. Installed in the ceiling. Would they be installed in  
11 any other areas of the structure besides the ceiling?

12 A. In the Gaylord, they can be in some of the hallways.  
13 But, again, it's in the ceiling.

14 Q. And why would PSAV have exclusive contracts to perform  
15 this work?

16 MR. SHANKMAN: Objection, foundation.

17 HEARING OFFICER ANDELA: If he knows.

18 THE WITNESS: That's actually not part of the scope of  
19 my job. I don't handle the contracts side of it, so I  
20 wouldn't --

21 Q. BY MS. SIMON: Do you know why PSAV would -- so in the  
22 D.C. area, PSAV is the exclusive rigging contractor at the  
23 Gaylord, for example?

24 A. That is correct.

25 Q. And no other company can do that work?

1 A. Correct.

2 Q. That's the same as the Marriott Marquis; is that  
3 accurate?

4 A. That's correct.

5 Q. Are there any facilities in the D.C. area where PSAV  
6 does some rigging but PSAV is not the exclusive rigging  
7 provider that you can think of?

8 A. The exclusivity of our rigging in the venues is somewhat  
9 dependent on the venue. Ultimately, it's their building, and  
10 they have the final say as to what's exclusive and what's  
11 not. So, to that end, there's some venues which where they  
12 may want it to happen where somebody else is doing the  
13 rigging.

14 Q. Can you name them?

15 A. I cannot.

16 Q. So the question was are there any facilities in the D.C.  
17 area where PSAV does some rigging but is not the exclusive  
18 rigging provider.

19 A. So, for the purposes of safety, if we're responsible for  
20 rigging in the venue, then we're responsible for the rigging.  
21 So --

22 Q. And that makes sense because it's dangerous, specialized  
23 work with insurance considerations, I'm sure, inspections of  
24 the way points are bolted into the ceiling, things like that.

25 MR. SHANKMAN: Objection. It's commentary. It's not a

1 question.

2 MS. SIMON: It's cross.

3 HEARING OFFICER ANDELA: You can answer if you agree.

4 THE WITNESS: Well, what I would say is that we take  
5 ownership of those points because either we've installed them  
6 or because we've said that they're okay. And as part of our  
7 agreement with our hotel partners because we've taken  
8 responsibility for those points, that's why we control them.

9 Q. BY MS. SIMON: Okay. So staying with the exclusivity  
10 theme for a minute, does PSAV have exclusive AV arrangements  
11 with AV arrangements with properties in the D.C. area, so in  
12 other words where no other audio visual provider can perform  
13 those services at a hotel or convention center?

14 A. Our agreements are that we are the preferred in-house  
15 provider. Venues can make a determination of any component  
16 of what we do, being audio video, lighting, internet, its  
17 power to say that any of those components they have to use  
18 PSAV, but generally speaking, it's they have the flexibility  
19 to determine that.

20 Q. Okay. So then there's no exclusivity, then, is the  
21 answer to that question.

22 A. That's correct.

23 Q. And so in these facilities, I think you said other  
24 companies can come in and do the sound, the video, the  
25 projection, the screens, all that work? Is that a yes?

1 A. Yes. Sorry.

2 Q. You just have to say yes for the court reporter. Thank  
3 you. And so in those properties, there could be any other  
4 number of production companies who come into these  
5 properties, the Gaylord, and have their AV technicians to  
6 attach their equipment to the truss --

7 A. Yes.

8 Q. -- for example. Okay. So, Mr. Wanamaker, I was looking  
9 through PSAV's records, and I believe on the record earlier  
10 today it sounds like there are about 65 to 85 properties that  
11 PSAV has in the D.C., Northern Virginia, Maryland area. Is  
12 that about right?

13 A. Yes.

14 Q. And PSAV only has rigging contracts in about 20 of them;  
15 isn't that right?

16 A. Off the top of -- I don't know off the top of my head.  
17 That could be about right.

18 Q. Okay. So it's fair to say that the people that are  
19 classified as riggers work in maybe around 25 percent; is  
20 that correct?

21 A. Well, when you say rigging, do you mean exclusive  
22 rigging contracts?

23 Q. I do mean exclusive rigging contracts.

24 A. Okay. Because we do have contracts where we are still  
25 doing rigging in those other venues as well.

1 Q. Okay. I'm talking about -- so let's back up for just a  
2 moment.

3 A. Okay.

4 Q. So PSAV has exclusive rigging contracts in about maybe  
5 25 percent of those?

6 A. More or less.

7 Q. And all of the -- okay. And it's fair to say that the  
8 people that are classified as riggers only work in about 20  
9 of these facilities; is that correct?

10 A. From looking at the -- from what we looked at earlier,  
11 no. They worked at a number of other venues that we don't  
12 have exclusive rigging contracts.

13 Q. But, and I guess we can look at the records and  
14 determine that, but AV technicians work at every one of the  
15 85 properties; is that correct?

16 A. That is correct.

17 Q. And when you -- we have a rigging team and a rigging --  
18 a rigging team. You talked about riggers versus rigging. So  
19 riggers are a separate department; is that accurate? A  
20 separate team?

21 A. No. I consider them all part of the same team.

22 Q. Okay.

23 MS. SIMON: So I'm going to show you -- we can mark  
24 this. This is something that was provided by the Employer to  
25 the Union last night.

1 HEARING OFFICER ANDELA: Remember you're starting  
2 with 4.

3 MS. SIMON: Exhibit 4, Union Exhibit 4. I can go ahead.  
4 I only have one copy. I guess I can go ahead and -- the  
5 entire thing.

6 HEARING OFFICER ANDELA: Just for consistency, I think I  
7 wrote Petitioner on the contracts instead of Union. But for  
8 the record, to the extent the exhibits say Petitioner or  
9 Union, they are from the same party.

10 MR. SHANKMAN: Agree.

11 MS. SIMON: Okay. So this is, let's see. Let me show  
12 you -- this is a single slide, and we can certainly provide  
13 the entire presentation. This is the Employer provided --  
14 are you planning to introduce this?

15 MR. SHANKMAN: I don't even know what you're doing yet,  
16 so --

17 MS. SIMON: Well, this is the -- you're looking at it  
18 right now. So this is the --

19 MR. SHANKMAN: I want to get to where -- is it part of  
20 this package?

21 MS. SIMON: It is. It is part of this package. Page 19  
22 or so, the rigging team structure.

23 MR. SHANKMAN: That one?

24 MS. SIMON: Yep.

25 MR. SHANKMAN: Okay.



1 MS. SIMON: So I'm going to show you like what's --

2 MR. SHANKMAN: Instead of giving him one page, why don't  
3 we just give him the whole --

4 MS. SIMON: That would be great.

5 MR. SHANKMAN: Because I was planning on moving this in.

6 MS. SIMON: Okay, great.

7 MR. SHANKMAN: With another witness. But that's fine.

8 MS. SIMON: Okay.

9 MR. SHANKMAN: Hang on a second. Let's get other  
10 copies. Let's give it the Hearing Officer.

11 HEARING OFFICER ANDELA: We want to mark it as next in  
12 the series or for identification purposes?

13 MR. SHANKMAN: I was going to put it in through a  
14 different witness, but it can go through this witness if we  
15 want. Do you care if it's an Employer's exhibit versus --

16 MS. SIMON: It can -- no, well, it's going to be Union  
17 Exhibit 4 since it's coming in at this moment.

18 HEARING OFFICER ANDELA: And we can say Union exhibit is  
19 page 19 of this.

20 MR. SHANKMAN: Sure. So we'll make that Employer's --  
21 we're at 6?

22 HEARING OFFICER ANDELA: Exhibit 6.

23 **(Employer's Exhibit 6 marked for identification.)**

24 MR. SHANKMAN: And then page 19 is Union exhibit  
25 whatever you're up to.

1 MS. SIMON: Yeah. We can put the whole thing in as an  
2 Employer.

3 HEARING OFFICER ANDELA: Yeah, we'll just call it  
4 Employer Exhibit 6, and you can refer to page 19.

5 MR. SHANKMAN: Okay.

6 MS. SIMON: So there's the rigging --

7 HEARING OFFICER ANDELA: Employer Exhibit 6 is admitted  
8 into evidence.

9 **(Employer's Exhibit 6 received in evidence.)**

10 Q. BY MS. SIMON: So there's the rigging team structure.

11 A. Um-hum, yeah.

12 Q. And then a rigging department.

13 A. Yes.

14 Q. So the riggers are -- do you agree the riggers are a  
15 separate department or team?

16 MR. SHANKMAN: I'm sorry. Can we just have the witness  
17 identify what this is? I don't think we have that on the  
18 record yet.

19 MS. SIMON: Oh, I beg your pardon.

20 Q. BY MS. SIMON: Can you identify this document?

21 A. Yes. This is an intro to rigging training which we  
22 provide to our team members.

23 Q. Are you familiar -- have you seen this before?

24 A. Yes.

25 Q. And how is this -- when is this provided?

1 A. It's part of the rigging training for team members who  
2 like technicians like to learn about regular managers or our  
3 team members learn about rigging.

4 Q. Okay. Is there a specific location where it's -- where  
5 this training occurs?

6 A. Generally, it happens in Orlando, Florida, but it can  
7 happen in any number of areas.

8 Q. So is this, this intro to rigging, I'm looking at page 1  
9 of this Exhibit 6, I believe it is. And then it says  
10 parentheses, intro to rigging at, parentheses, property.  
11 Does this always refer -- or what kind of properties would  
12 this be filled in?

13 A. So this training actually, I'm sorry, this is the  
14 training that we use for our individual locations. So it  
15 could be done at any property to teach our team about  
16 rigging, how it's done and how it's done safely. This is  
17 different from our Orlando training.

18 Q. Okay, thank you. So I'm looking at the rigging team  
19 structure and the rigging team department. So riggers are a  
20 rigging team. Riggers are part of a separate department or  
21 team?

22 A. So we have an additional rigging support team. So when  
23 you asked that question, I thought you were asking in terms  
24 of our onsite team. From a -- we do have a rigging support  
25 team which would be our regional rigging managers, et cetera,

1 I think up through the training managers, director of  
2 operations. We do have additional support for our rigging  
3 operations from our rigging support team.

4 Q. Okay. Can you -- and is the rigging support team the  
5 people that install the points into the ceiling?

6 A. Not as outlined here. So the rigging installation team  
7 is part of that same rigging support team.

8 Q. So what kind of work does this rigging support team do,  
9 identified in pages 19 and 20?

10 A. So starting with the regional rigging manager, so that's  
11 somebody who helps support our rigging operations in all of  
12 our venues in a particular market. So they will support our  
13 technicians and our DETs in each venue depending on what  
14 their needs are for any rigging. They may -- they will  
15 coordinate with our rigging coordinators as well with our  
16 onsite teams, providing them additional support and guidance.  
17 And the training manager supports training for all things  
18 rigging. The directors of operations are support for our  
19 regional rigging managers, and they report up to the national  
20 directors. And you see there Demian Purdy, who is listed as  
21 the director of installations, he supports the install side  
22 of the rigging, as well as Josh who handles the sales side of  
23 rigging. So it's all additional support for our rigging, the  
24 rigging side of our business.

25 Q. Okay. So what is the rigging side of your business?

1 A. So anything that is -- again, so anything from the sales  
2 of rigging to the installation, to the actual onsite rigging,  
3 from again hanging, hanging from fixed points, hanging and  
4 building truss from ground supported, anything overhead,  
5 hanging over 6 feet.

6 Q. Okay. So if we can go down on page 20 to -- that's the  
7 rigging, that's the slide that says -- there's sort of a --  
8 sort of an introductory slide which I think is page 19, maybe  
9 18 or 19. It says rigging team structure.

10 A. I don't see numbers.

11 Q. Yeah, I don't know. The next page.

12 MR. SHANKMAN: It's -- there you go. You're there?

13 MS. SIMON: It's the rigging team structure.

14 THE WITNESS: Okay.

15 MR. SHANKMAN: No, that's not -- so go back one page.

16 THE WITNESS: This one?

17 MR. SHANKMAN: It's the one on the bottom, yep.

18 Q. BY MS. SIMON: So there's a picture that has -- that  
19 looks like a bunch of truss on it that says PSAV rigging,  
20 then rigging team structure, and the first line is VP of  
21 rigging services, Todd Spencer.

22 A. Yes.

23 Q. And then we go down, okay. So down to the -- let's go  
24 with those bottom three classifications.

25 A. Okay.

1 Q. The rigging coordinators, the lead riggers, and the  
2 riggers. Can you -- starting with the rigging coordinators,  
3 can you explain what these folks do?

4 A. So the rigging coordinators are responsible for  
5 examining weight loads which are determining on a setup, how  
6 the weight needs to be distributed, how many truss need to be  
7 used, how many points should be used, determining how the --  
8 designing the outline of the truss rig, coordinating getting  
9 the right people in the right place and getting the equipment  
10 to the right place for the setups. They oversee a series of  
11 properties to support them in whatever rigging needs to be  
12 done.

13 Q. Okay. And then below that is the lead riggers. Can you  
14 describe what these people do?

15 A. So the lead riggers, generally they are -- during a  
16 setup for a rig, they're sort of taking point on helping to  
17 coordinate the crew on site for any rigging.

18 Q. And then what about the riggers?

19 A. Riggers are involved in the set -- the building of  
20 truss, the setup of equipment.

21 Q. What kind of equipment?

22 A. Well, anything. I think primarily the riggers are  
23 building truss and connecting motors and connecting to points  
24 as well as ground-supported truss. And they would be, they  
25 would be providing AV support as well, if in addition to the

1 rigging support.

2 Q. So who supervises the -- who is the direct supervisor  
3 for the riggers?

4 A. The rigging coordinators.

5 Q. And I believe that we can just take a look back for a  
6 moment while keeping the Employer Exhibit 6 in front of you,  
7 if we can go back to Employer Exhibit -- I think it's 3.

8 HEARING OFFICER ANDELA: The report --

9 MS. SIMON: No, it's --

10 HEARING OFFICER ANDELA: -- about the riggers?

11 MS. SIMON: It's the exhibit that -- just indulgence for  
12 just a moment? Can we go off the record just for a second?

13 **HEARING OFFICER ANDELA: Off the record.**

14 **(Off the record from 3:46 p.m. to 3:47 p.m.)**

15 Q. BY MS. SIMON: Addendum -- we're taking a look, I don't  
16 know if you have it in front of you, it's Union Exhibit 2,  
17 the collective bargaining agreement between PSAV and IATSE.

18 A. Okay.

19 Q. And I believe you testified some about the audio visual  
20 skill sets. It's addendum C. It's the last two pages.

21 A. Sorry, which page?

22 Q. The last two pages of addendum C.

23 A. Okay.

24 Q. And you talked about the audio engineers, the level of  
25 the tech I's, I believe, with -- you talked about them having

1 some knowledge of theatrical rigging. What differentiates  
2 them from these riggers? Why is there a different  
3 classification for the riggers and within the rigging team  
4 structure?

5 A. I would say generally speaking, because it's very  
6 similar to the audio engineers, the A-1, for instance, is  
7 that is their specialty. But then they're expected to do  
8 those other things as well. So, similarly, I think anyone  
9 who is classified as a rigger, generally that is something  
10 that -- something they had experience in coming in and is  
11 probably maybe the majority or a good portion of their work  
12 assignment would be the best way to classify that, I guess.

13 Q. Thank you. And we can put away the exhibit.

14 A. Both of them? Which -- both of them.

15 Q. 2. We're going to keep the --

16 A. This one.

17 Q. -- slideshow, I think it is.

18 A. Got it.

19 Q. The intro to rigging. So it does -- so as you were  
20 saying, it takes some -- does it -- it takes some training to  
21 become a rigger, to have your job classification be a rigger;  
22 is that accurate?

23 A. Sure, yes.

24 Q. And you provide this intro to rigging at a specific  
25 property, on site wherever PSAV might have --



1 A. Yes.

2 Q. -- work to do. And then if you -- and then the  
3 slideshow goes through the rigging advance process, goes  
4 through basic rigging equipment, installation, and then close  
5 to the end there's something that says further training.

6 HEARING OFFICER ANDELA: How close to the end?

7 MS. SIMON: These aren't numbered. I think one, two,  
8 three, four, five, six.

9 HEARING OFFICER ANDELA: I see it, yeah, about --

10 MS. SIMON: Further training.

11 HEARING OFFICER ANDELA: Yeah.

12 Q. BY MS. SIMON: Are you there?

13 A. I'm not sure. Did you say further training?

14 HEARING OFFICER ANDELA: It's about 10 pages from the  
15 back.

16 Q. BY MS. SIMON: Yeah, it's about 8 or 10 pages from the  
17 back.

18 A. Got it.

19 Q. Got it? Okay. Further training. And then on the next  
20 page it talks about training and then a 3-day rigging class.  
21 Can you explain what happens during that class?

22 A. So this is the 3-day class in Orlando where it's a  
23 little bit more involved in the more -- I believe this is the  
24 class where they teach weight load calculations and some of  
25 the additional skill sets or additional knowledge and get a

1 little bit more experience on rigging from a broader  
2 standpoint.

3 Q. Okay. And then it talks about, the second bullet point  
4 down, this class does not certify riggers or necessarily make  
5 them an approved rigger after completion. And then it says  
6 PSAV qualified. So it seems like even after completing this  
7 training and a 3-day rigging class, there's still some more  
8 to do.

9 A. I don't think it's that as much as the actual  
10 certification of riggers is we don't have -- what we classify  
11 as rigging and somebody as a rigger is different than I think  
12 what the rest of the industry does.

13 Q. And what does PSAV qualified mean at the end of that  
14 bullet point?

15 MR. SHANKMAN: Objection, foundation. You still haven't  
16 established who prepared the document, et cetera, so --

17 Q. BY MS. SIMON: If you know.

18 A. I do not know.

19 Q. Okay. So do you know -- so do you know what, quote,  
20 certified riggers or necessarily make them an approved rigger  
21 after completion, do you know what that means either?

22 A. I don't have the specifics to speak to that.

23 Q. And you didn't prepare this.

24 A. I did not prepare this.

25 Q. Okay. Did all the AV techs that are -- take this class?

1 MR. SHANKMAN: Object to the form.

2 HEARING OFFICER ANDELA: How did you word it?

3 MS. SIMON: Did all the AV techs go through this intro  
4 to rigging PowerPoint training.

5 MR. SHANKMAN: Withdraw my objection.

6 THE WITNESS: Have all of our AV technicians?

7 Q. BY MS. SIMON: Yes.

8 A. No, not all, no.

9 Q. Okay. And have all of your AV technicians gone through  
10 the 3-day rigging class?

11 A. No.

12 MS. SIMON: And I'm going to, I believe is -- let's see.  
13 You may not -- this may not be something that you would have  
14 foundation for. I'm going to show you -- I think before we  
15 mark this, I would just like to find out if this witness  
16 can -- has knowledge to testify regarding this issue. This  
17 is a three-page document that you all produced to us.  
18 There's no title on it. Do you know what this, do you know  
19 what this is?

20 MR. SHANKMAN: Can we go off the record for a second?

21 **HEARING OFFICER ANDELA: Off the record.**

22 **(Off the record from 3:53 p.m. to 3:55 p.m.)**

23 MS. SIMON: Thank you. Just before we went off the  
24 record, we were looking at a document regarding PSAV training  
25 and specifically PSAV rigger training, rigging training in

1 Orlando. We went off the record. We established that this  
2 witness is not going to be someone who is able to talk about  
3 that exhibit, so we're going to -- I'm not going to --

4 HEARING OFFICER ANDELA: Okay.

5 MS. SIMON: -- introduce it at this point, and we'll  
6 move on.

7 MR. SHANKMAN: Employer's Exhibit 6, I thought you said  
8 that was already admitted.

9 HEARING OFFICER ANDELA: Six is in.

10 MR. SHANKMAN: This package that she's been talking  
11 about with the witness.

12 HEARING OFFICER ANDELA: Yeah, this, the color --

13 MR. SHANKMAN: Yes. It was?

14 HEARING OFFICER ANDELA: -- or the PowerPoint.

15 MR. SHANKMAN: That was admitted, right?

16 HEARING OFFICER ANDELA: Yes. If it hasn't been, yes,  
17 it's admitted.

18 MR. SHANKMAN: Good, thank you.

19 Q. BY MS. SIMON: So I would like to discuss how a PSAV  
20 client requests rigging. Can you talk about that process?  
21 If someone needs rigging work done, a client needs rigging  
22 work, that is I believe rigging a toy set into the air and  
23 into the ceiling?

24 A. So the customer would contact our -- it usually starts  
25 with our hotel partner. They're contacting the hotel partner

1 and coordinating with them. And they are then speaking with  
2 our PSAV sales person who is coordinating those needs and  
3 discussing it with them and talking through whatever the  
4 specific needs are for the event in total, audio/video,  
5 lighting, rigging, in totality. There are some venues as  
6 well where we do have an online rigging request form where  
7 they can submit information that way as well, which works  
8 through our -- that would go to our regional rigging manager,  
9 actually our rigging coordinators who would take that  
10 information and help coordinate with the venue.

11 Q. Okay.

12 A. But that's not in all venues. In the majority of  
13 venues, it's more a direct conversation with the sales  
14 people.

15 Q. You mentioned I think an online rigging request form.  
16 So I'm actually going to ask you to take a look at what I  
17 think is that form.

18 MS. SIMON: And we're at Union Exhibit 5?

19 **(Petitioner's Exhibit 4 marked for identification.)**

20 MR. SHANKMAN: I'm just going to extend an objection. I  
21 appreciate the informality of this, but we're outside the  
22 scope of direct. We haven't talked anything about the  
23 purchasing of rigging services or how that works. That was  
24 never part of the discussion on direct examination. I just  
25 don't know how far deep we're going to go into this or try

1 to.

2 MS. SIMON: The conversation has been that -- I think  
3 the record has reflected that there are different kinds of --  
4 perhaps different kinds of work that PSAV classifies as  
5 rigging, all kinds of work. And then we have talked about  
6 rigger work or work that is performed by riggers as opposed  
7 to by techs. And so I think that this request for rigging  
8 and rigging form, and what's involved here is quite relevant  
9 to that.

10 HEARING OFFICER ANDELA: I'll say proceed, and if it  
11 doesn't --

12 MR. SHANKMAN: Yeah, understood.

13 HEARING OFFICER ANDELA: -- go somewhere that you think  
14 is less relevant or less germane.

15 MR. SHANKMAN: Got it. Thank you.

16 Q. BY MS. SIMON: Is this the rigging request form that you  
17 mentioned?

18 A. I believe so, yeah.

19 Q. Okay. So we can just start at the beginning. Is  
20 this --

21 MR. SHANKMAN: Objection. The fact that he mentioned it  
22 doesn't establish a foundation that he has knowledge of its  
23 content or why it says what it says. She's about to inquire.  
24 I think we need to establish that first.

25 MS. SIMON: Well, you just --

1 HEARING OFFICER ANDELA: The question first was?

2 MR. SHANKMAN: The question was he mentioned a rigging  
3 request form, that that's how people can make a rigging  
4 request. That doesn't establish that he has knowledge of the  
5 contents of the document or how it was prepared or what it  
6 means, which I'm pretty confident is where counsel's going.

7 HEARING OFFICER ANDELA: Do you want to go through with  
8 that or --

9 MS. SIMON: I believe that you testified earlier that  
10 you were familiar with all of the operations of the region  
11 where you work, and you are I believe its vice president, if  
12 that's accurate. You talked quite a bit about rigging,  
13 riggers, and the different kind of work that is considered,  
14 different kinds of work that is considered rigging by PSAV or  
15 that is rigger work. You talked about the points in the  
16 ceiling, the construction of that, the rigging team. So I'd  
17 like to ask about what's required in these rigging request  
18 forms if -- and if you don't know and you don't know how  
19 clients request rigging work, what sorts of projects would be  
20 requested under this kind of work, then you don't know.  
21 But --

22 MR. SHANKMAN: I'd like to voir dire the witness on this  
23 form.

24 HEARING OFFICER ANDELA: Any reason not?

25 MS. SIMON: No.

1 HEARING OFFICER ANDELA: Okay.

2 MR. SHANKMAN: Okay.

3 VOIR DIRE EXAMINATION

4 Q. BY MR. SHANKMAN: So do you have Union Exhibit 5 in  
5 front of you, Mr. Wanamaker?

6 A. Yes.

7 Q. Were you involved in the preparation of this packet  
8 marked as 5?

9 A. No, I was not.

10 MR. SHANKMAN: This actually should be Union Exhibit 4.

11 HEARING OFFICER ANDELA: Because we turned the previous  
12 into Employer's 6, right?

13 MS. SIMON: Oh, that was the -- okay.

14 Q. BY MR. SHANKMAN: Okay, Union Exhibit 4.

15 A. Okay.

16 Q. Are we good? Thank you. Were you involved in the  
17 preparation of this document?

18 A. I was not.

19 Q. Do you use this document in the ordinary course of your  
20 day-to-day activities as divisional vice president?

21 A. I do not.

22 Q. Do you know what department would typically use this  
23 document in the organization?

24 A. It would be used by our onsite team at the Gaylord  
25 primarily, and it would be used by our rigging coordinator.



1 Q. Then when you said the onsite team, is that the rigging  
2 coordinator plus another department, or is that rigging  
3 coordinators exclusively?

4 A. It's my understanding this is primarily used by the  
5 rigging coordinator and the DET and the sales manager.

6 Q. The sales manager.

7 A. Correct.

8 Q. Is this a form used -- well, do you know why this form  
9 is used?

10 A. It's to make the sales process for rigging more  
11 efficient and to streamline the process for rigging orders.

12 Q. So it's part of the sales process?

13 A. That is correct.

14 Q. Well, I shouldn't say -- is it -- is the first usage of  
15 this form to your knowledge part of the sales process?

16 A. Yes.

17 Q. And do you know why it was laid out the way it is?

18 A. I do not.

19 MR. SHANKMAN: Based on the witness's testimony during  
20 voir dire, there is no basis for him to answer any questions  
21 related to this form.

22 MS. SIMON: May I ask a few additional questions to  
23 establish foundation?

24 HEARING OFFICER ANDELA: There might be something on  
25 these pages that --

1 MR. SHANKMAN: I'm eager to hear it if counsel can find  
2 it.

3 HEARING OFFICER ANDELA: Okay.

4 **CROSS-EXAMINATION (cont.)**

5 Q. BY MS. SIMON: This form appears on PSAV's website; is  
6 that correct?

7 A. I believe so, yes.

8 Q. And as the -- in your position, are you familiar with  
9 the terminology of "number of points requested," which is on  
10 page 4 of the document?

11 A. I'm --

12 Q. That would be the points in the ceiling, correct?

13 A. That would be correct.

14 MR. SHANKMAN: Well, which question are we talking?  
15 Your first question was if he's familiar with the  
16 terminology.

17 Q. BY MS. SIMON: Are you familiar with the terminology,  
18 number of --

19 A. Terminology, yes.

20 Q. Okay. And turning back one page, are you familiar with  
21 the terminology "flymen calls"?

22 A. I am not.

23 Q. How about turning back to page 4, chain hoists?

24 A. I am.

25 Q. Non-motorized dead hang points?

1 A. Yes.

2 Q. You testified earlier, turning to page 5, you testified  
3 earlier regarding truss teasers and truss at length.

4 MR. SHANKMAN: Well, which one, truss teasers or truss?

5 Q. BY MS. SIMON: Both. You're familiar with both? You  
6 testified about both at length earlier; is that correct?

7 A. Yes.

8 Q. What about aerial performance?

9 A. Yes.

10 Q. What is that?

11 A. That would be any supporting of a person from a hang  
12 point.

13 Q. This is the kind of work that PSAV's rigging team  
14 performs?

15 A. It is --

16 MR. SHANKMAN: Objection to the form.

17 MS. SIMON: The work does --

18 MR. SHANKMAN: And mischaracterizes testimony, use of  
19 the term "rigging team."

20 Q. BY MS. SIMON: This rigging request is made to -- and it  
21 is made to the rigging coordinator; is that what you  
22 testified to earlier?

23 A. I believe so.

24 Q. And it would go to the rigging regional manager possibly  
25 as well?

1 A. Yes.

2 Q. And is the -- sorry. And --

3 A. And I'll tell you I don't know that for certain. I  
4 don't know exactly where it goes from when it's generated.

5 Q. And it's fair to say that this is rigging?

6 MR. SHANKMAN: Objection. What counsel talks about and  
7 what's fair to counsel isn't necessarily what's fair to the  
8 witness. So I object to the form of the question. I don't  
9 know what "fair" means in her words.

10 Q. BY MS. SIMON: Is it accurate to say that this is a  
11 rigging request form to go to the rigging team as set forth  
12 in -- yeah, to go to the rigging team?

13 A. So I'm not intimately familiar with this because it  
14 doesn't come across my desk as part of my job  
15 responsibilities. What I see here and the terms that you  
16 have used represent some of what we would consider forms of  
17 rigging.

18 MS. SIMON: I think that this witness is qualified to  
19 testify regarding this form and what's being requested here.  
20 To the extent that he doesn't know certain answers, he's  
21 certainly free to say that.

22 MR. SHANKMAN: The fact that he knows what certain words  
23 mean in the form doesn't mean that he knows why they're in  
24 the form, or he didn't create the form, so the connection is  
25 not bridged that he has knowledge of this particular

1 document. And she -- counsel has not established any  
2 foundation that he prepared it, that he uses it in the  
3 ordinary course of business or that he's otherwise -- or that  
4 he even receives this document when it comes in from clients.

5 MS. SIMON: He's a divisional vice president. He's  
6 testified at length regarding his responsibilities with  
7 respect to PSAV. This is a document that is on the -- and  
8 regarding the event coordination including rigging. This is  
9 a document that's a link from the front page of PSAV's  
10 website. He testified at length about a video that he did  
11 not create.

12 MR. SHANKMAN: What does that have to do with anything?

13 MS. SIMON: And there was foundation for that in terms  
14 of personal knowledge. So I would --

15 MR. SHANKMAN: If we're looking to trade the Rules of  
16 Evidence or the ease of application of the Rules of Evidence,  
17 I'd like -- I think you went through a detailed analysis as  
18 to why the video was coming in, so I don't think we're  
19 playing tit-for-tat here. I don't mind if the witness is --  
20 if you're more comfortable given the relaxed rules having the  
21 witness say whether or not he knows about something. But I  
22 would ask that we apply a very clear distinction or very  
23 clear analysis or questions as to each phase of counsel's  
24 review of the document with this witness so we don't have  
25 assumptions built within questions to understand what this

1 form actually means. So I'll object where appropriate, but  
2 I'll be a little more vocal than I might normally be.

3 MS. SIMON: Let me just a couple of quick things.

4 HEARING OFFICER ANDELA: Sure.

5 MS. SIMON: First of all, if there is another witness  
6 who I believe that counsel --

7 MR. SHANKMAN: I've already told you there is.

8 MS. SIMON: Okay. And are you --

9 MR. SHANKMAN: I don't know if the witness knows this  
10 form. This is a sales form. So I don't think this form  
11 would be -- I don't know if Mr. Wallace knows about this form  
12 in particular. We can take a break, and I can ask him if he  
13 has particular knowledge of it.

14 MS. SIMON: If you -- that would be fine. Why don't we  
15 take a quick break on that.

16 MR. SHANKMAN: Okay.

17 **HEARING OFFICER ANDELA: Off the record for a moment.**

18 **(Off the record from 4:08 p.m. to 4:09 p.m.)**

19 HEARING OFFICER ANDELA: We just --

20 MR. SHANKMAN: Shall I?

21 HEARING OFFICER ANDELA: You can say what you just said,  
22 yeah.

23 MR. SHANKMAN: I spoke with -- we had an off-the-record  
24 break where I could confer with Patrick Wallace.  
25 Mr. Wallace, I can represent to this body that he has

1 intimate knowledge of the document, knows why it's used,  
2 knows why it says what it says. And if for some reason that  
3 representation is lacking in any respect, if counsel wants to  
4 bring back Mr. Wanamaker for that purpose, we would have no  
5 objection.

6 MS. SIMON: Okay. Thank you. So we can -- so this has  
7 been I believe introduced but not admitted at this point. So  
8 we'll -- I'll wait to do that.

9 Q. BY MS. SIMON: Are you aware of any -- well, strike  
10 that.

11 So PSAV has a couple of bargaining agreements that cover  
12 Local 22; isn't that correct?

13 A. In terms of with our D.C. venues?

14 Q. Correct.

15 A. We have a single one that I'm aware of.

16 Q. So I'm going to --

17 A. I guess the national one would count probably.

18 Q. Yeah. So I'm going to ask you, this is Union Exhibit 2,  
19 which I think you've already discussed briefly.

20 A. Yes.

21 Q. And this is a national agreement between Audio Visual  
22 Services Group and various locals of the IATSE; is that  
23 accurate?

24 A. That's my understanding, yeah.

25 Q. And then there are specific locality -- there's

1 specific -- addendum A, if you turn to page 1, addendum --  
2 it's page 1 of 17, addendum A.

3 A. Okay.

4 Q. Local union wage rates and conditions.

5 A. Yes.

6 Q. I'm going to turn your attention to Local 22. There's  
7 Local 22, which is page 6 of 17. I'm going to turn your  
8 attention to section 4.01. If you could read the first  
9 sentence, please?

10 A. "The provisions," out loud?

11 Q. Please.

12 A. Okay. "The provisions of section 4.01 and its  
13 subsections notwithstanding, the employer and the union agree  
14 that this agreement will only apply to audio visual work  
15 until such time that the parties mutually agree to include  
16 the rigging scope of work."

17 Q. So what is the rigging scope of work?

18 MR. SHANKMAN: Objection. There's been no foundation  
19 laid that this witness was involved in the negotiation or  
20 drafting of this agreement.

21 Q. BY MS. SIMON: Were you involved in the negotiation or  
22 drafting of this agreement?

23 A. I was not.

24 Q. And do you from your experience in the field and  
25 testifying regarding experience with PSAV, do you have any --



1 can you explain what the -- based on your experience, can you  
2 explain what the difference is between audio visual work and  
3 the rigging scope of work?

4 MR. SHANKMAN: Objection.

5 MS. SIMON: If you know.

6 MR. SHANKMAN: To the extent she's asking for a general  
7 definition of those terms on the industry, that's fair for  
8 this witness and given his position in the organization. But  
9 if he wasn't involved in the negotiation, as he just  
10 testified, and the contract, he can't speak to why those  
11 terms are in this agreement the way they're phrased.

12 HEARING OFFICER ANDELA: I'm thinking there's probably a  
13 lot of ways to get to where Ms. Simon is trying to go. And  
14 to cut this one off -- I mean, all right --

15 MR. SHANKMAN: Our point is, like I said, if what does  
16 rigging mean, that's fine. But what rigging means for PSAV  
17 and what rigging means in this particular agreement when he  
18 wasn't part of this agreement are -- could be two  
19 dramatically different things. So I don't -- and given his  
20 lack of knowledge as he's just testified to, how can he in  
21 this context of this questioning opine about what those terms  
22 mean when referencing this particular document. There's got  
23 to be some context here. In fact, the witness already  
24 testified that rigging as PSAV does it is different than lots  
25 of other -- how other people --

1 MS. SIMON: That's really a speaking objection at this  
2 point.

3 MR. SHANKMAN: Well, it's argument.

4 MS. SIMON: Again, it's --

5 MR. SHANKMAN: I'm happy to put the witness outside, and  
6 we could do it outside the presence of the witness. I don't  
7 care. But the witness has already said that rigging as PSAV  
8 does it is different than the industry. He said that earlier  
9 in his direct examination with me.

10 MS. SIMON: But PSAV employs riggers separate from AV  
11 techs and audio visual work.

12 MR. SHANKMAN: I don't --

13 HEARING OFFICER ANDELA: When you talk about the  
14 industry or the business, are you saying that the term as  
15 used in this agreement, like no one here is sure whether it  
16 means industry term rigging work or what the parties here  
17 know?

18 MR. SHANKMAN: Well, to me there's different elements  
19 that are responsive to that. Riggers as -- he didn't  
20 negotiate this agreement. He can't speak to the reason why  
21 those terms are in this agreement or what they're intended to  
22 mean. That's one.

23 HEARING OFFICER ANDELA: Um-hum.

24 MR. SHANKMAN: He's already said that within his  
25 personal knowledge, rigging at PSAV is defined differently

1    than how the industry may handle rigging.  If that's within  
2    the scope of his knowledge, if counsel wants to inquire about  
3    something different, that's fine.  But she can't inquire as  
4    to the reason why those words or what those words mean in  
5    relation to this particular document.  I agree with you we  
6    can get to this issue, but it shouldn't be phrased in the  
7    context of this particular document and how it's phrased in  
8    this document.  If she wants to ask his general impression  
9    about rigging in the industry versus rigging at PSAV, that's  
10   fair game, I agree.  The fact that we hire riggers is not a  
11   distinguishing factor.

12       HEARING OFFICER ANDELA:  Ms. Simon, do you want to maybe  
13   get into tease out this rigging scope of work by talking  
14   about who he knows to be covered by this contract first and  
15   go from there?

16       MS. SIMON:  Sure.

17       HEARING OFFICER ANDELA:  When I say there's lots of  
18   ways, one of the things I'm thinking is this way might be a  
19   legitimate way to get there even if he doesn't know, doesn't  
20   have knowledge of --

21       MR. SHANKMAN:  Right, absolutely.  And if he's got that  
22   foundation, that's fine.  I think you're going to hear --  
23   well, I don't want to influence testimony.  I'm fully  
24   supportive of going in that direction and let the witness  
25   testify to what he knows.

1           HEARING OFFICER ANDELA: Well, let me throw something in  
2 here. Mr. Wanamaker, you weren't part of drafting or  
3 negotiation. Do you ever have reason to consult this  
4 agreement or --

5           THE WITNESS: No, I did not.

6           HEARING OFFICER ANDELA: -- do you have a working  
7 knowledge of the agreement?

8           THE WITNESS: Not a --

9           HEARING OFFICER ANDELA: Has it ever come up in your  
10 responsibilities?

11          THE WITNESS: I've seen the document, but I don't  
12 have -- I've seen it maybe once. I don't have lots of  
13 knowledge of it.

14 Q. BY MS. SIMON: Do you know who did negotiate it?

15 A. I do not.

16 Q. I am going to turn your attention to the same addendum  
17 A, local union wage rates and conditions, page 1 of 17. I'm  
18 going to direct your attention to Local 1, New York, New  
19 York. Is New York within your division?

20 A. Yes. That's a complicated answer actually as we're --  
21 I'm new in my role, and my division as it stands is still  
22 being outlined.

23 Q. Okay. I'm going to ask you to take a look at section  
24 4.01 and read it, read this 4.01.

25 A. "The Employer and the Union agree that this agreement

1 will only apply to rigging and that Local 1 shall be  
2 exclusive source of rigging employees for rigging calls at  
3 PSAV hotels."

4 Q. I'm going to turn your attention to page 3 of 17,  
5 Local 12, Columbus, Ohio.

6 MR. SHANKMAN: Mr. Hearing Officer, I renew my  
7 objection. Having the witness read the document, it's  
8 already in evidence. Having him read the document for  
9 multiple locals that have different descriptions for  
10 rigging --

11 MS. SIMON: I'm --

12 MR. SHANKMAN: -- is really a waste of time.

13 MS. SIMON: -- drawing his attention to these various  
14 provisions and then will ask follow-up questions regarding --

15 MR. SHANKMAN: Well, drawing his attention to various  
16 provisions that he didn't negotiate and has no -- little to  
17 no familiarity with in his own market where he spends all of  
18 his time.

19 HEARING OFFICER ANDELA: Well, if we get to what  
20 Ms. Simon hopes is the payoff and he doesn't -- he says he  
21 doesn't know, we'll know he doesn't know.

22 Q. BY MS. SIMON: Can you read 4.01, please?

23 A. "The employer and the union agree that this agreement  
24 will only apply to rigging until such time that the parties  
25 mutually agree to include the audio visual scope of work."

1 Q. And do you know in the -- in the industry, separate from  
2 you, you've testified that PSAV described rigging different  
3 from perhaps there's PSAV rigging and maybe industry rigging;  
4 is that accurate?

5 A. I would say that's probably a fair statement.

6 Q. What is PSAV rigging?

7 A. So PSAV rigging is any overhead rigging over 6 feet off  
8 the ground and affixing to any structure, again primarily  
9 working with fixed hang points or ground supported structure.

10 Q. How is that different than rigging in the industry?

11 A. Outside of PSAV and the work that we do, there is more  
12 work that's done to do bridles, which is connecting,  
13 basically building rigging points. And it may be, again,  
14 it's in venues that we don't operate in, whether that be  
15 arenas or stadium that we don't operate in, in this market.

16 Q. And you employ a classification of employees that are  
17 riggers, correct? That's what this hearing is about.

18 A. That is correct.

19 Q. And why is that?

20 A. Because it's a need we have in certain venues and it's  
21 building our team. We have -- we want to have as many team  
22 members who have different areas that they know and can  
23 operate in. If --

24 Q. When --

25 A. Sorry, go ahead.

1 Q. When you say it's a need you have in venues, what kind  
2 of need is that?

3 A. To operate rigging. So we have needs to do rigging. At  
4 the Gaylord, for instance, where we have most of our rigging  
5 team is we have our regular need for rigging to take place so  
6 there is a workload that's sufficient enough where it's a  
7 combination of our technicians and riggers who are working  
8 regularly on any rigging.

9 Q. And is it riggers are generally paid -- do you know how  
10 the riggers are paid in comparison to the AV techs?

11 A. Yes.

12 Q. The riggers are paid significantly higher; is that  
13 correct? Or higher; is that correct?

14 MR. SHANKMAN: Object to the form.

15 MS. SIMON: Riggers are paid on the high end of that  
16 scale; is that correct?

17 MR. SHANKMAN: Objection, lack of foundation.

18 MS. SIMON: I'm just asking if --

19 MR. SHANKMAN: I don't know what the scale is.

20 MS. SIMON: I just asked if he had knowledge of the  
21 riggers' pay versus everyone else's.

22 HEARING OFFICER ANDELA: Do you know how much? Do you  
23 know the various pay scales?

24 THE WITNESS: I do.

25 HEARING OFFICER ANDELA: Do you know specifically what

1 they are, the ranges for each?

2 THE WITNESS: Off the top of my head, no. I would not  
3 say that -- I would say that riggers and other tech  
4 specialists that work side by side with them, similar  
5 skill -- similar skill sets will have a similar rate of pay.

6 Q. BY MS. SIMON: And how much do you know or how much are  
7 the riggers -- about how much are the riggers paid?

8 A. I would say off the top of my head about \$33 --

9 MR. SHANKMAN: If I could object. I mean we're at now  
10 counsel has -- or objected previously about speculation. Now  
11 she's calling for speculation. The witness has already said  
12 he doesn't know. If you're asking him to speculate, then I  
13 would say that we produced 600 pages of payroll records that  
14 cover riggers and AV technicians. We delivered that  
15 yesterday. If we have those documents, we should use those  
16 documents rather than have the witness speculate.

17 HEARING OFFICER ANDELA: Do you have a payroll document  
18 you want to ask him about or --

19 MS. SIMON: I have. So there was 600 pages of payroll.  
20 There was not hourly rates included in that payroll. So  
21 it --

22 MR. SHANKMAN: I mean if we just take a calculator, we  
23 can do the math.

24 MS. SIMON: Sure.

25 MR. SHANKMAN: Do you want a calculator?



1 MS. BICHER: We did it already.

2 MS. SIMON: Can we go off the record for a moment?

3 **HEARING OFFICER ANDELA: Off the record.**

4 **(Off the record from 4:25 p.m. to 4:27 p.m.)**

5 MS. SIMON: Thank you.

6 Q. BY MS. SIMON: So I believe that you had said that you  
7 thought it was around \$33 an hour or so before your counsel  
8 started to object. Is that accurate, as best as you can --

9 MR. SHANKMAN: Wait, I'm sorry. Could we start over?

10 MS. SIMON: Can we just have the court reporter just  
11 read that into the record? That would be great, if that's  
12 possible. Thank you.

13 MR. SHANKMAN: He can read what into the record?

14 HEARING OFFICER ANDELA: Do you --

15 MS. SIMON: What Mr. Wanamaker testified to.

16 MR. SHANKMAN: No. What he testified to, and I objected  
17 was the fact that it was calling for speculation. The  
18 witness said I'm not really sure. And he started to say I  
19 believe, and then I stopped and I objected at that point. I  
20 don't think you had necessarily ruled on the objection, but I  
21 thought we were re-diverting to a new subject. I don't want  
22 counsel to go back to something I had previously objected to.

23 HEARING OFFICER ANDELA: Do you have some ascertained  
24 numbers at this point or --

25 MS. SIMON: I do, but I don't think that it's worth

1 going into at this point.

2 HEARING OFFICER ANDELA: Okay. Well, we're -- was that  
3 question going to lead to something else based on his  
4 speculation before?

5 MS. SIMON: It was.

6 HEARING OFFICER ANDELA: The question you just asked.

7 MS. SIMON: It was.

8 MR. SHANKMAN: Well, how about this: How about she asks  
9 the question; don't answer. Let us hear what's going to  
10 happen.

11 MS. SIMON: Are you familiar with the pay scale for the  
12 AV techs, whether that's similar to, less than, more than the  
13 riggers?

14 HEARING OFFICER ANDELA: All tech?

15 MR. SHANKMAN: Well, actually that's a compound  
16 question. Objection. She asked if he's aware of the AV  
17 techs --

18 HEARING OFFICER ANDELA: Are you aware of the pay scales  
19 among these classifications?

20 THE WITNESS: So as I'm on record, I want to be accurate  
21 with what I say. Off the top of my head, I do -- I can't say  
22 for certainty what all of the pay rates are for all of our  
23 positions because I have a lot of positions that are within  
24 our market. So if we're looking for accuracy, off the top of  
25 my head, no, I can't say.

1           HEARING OFFICER ANDELA: When you say a lot of  
2 positions, are we talking about the different grades within  
3 each specialty, specialization?

4           THE WITNESS: Management positions as well, so the  
5 entirety of what I oversee, it's a broad market and different  
6 territories as well. So if we want accuracy, it's probably  
7 best that I not speculate on rates.

8   Q.   BY MS. SIMON: Do you know the starting AV tech rate in  
9 the D.C. market?

10  A.   That I do know.

11  Q.   Can you tell me what that is, please?

12  A.   For a starting technician, it's \$16.50 an hour.

13  Q.   And do you know the starting rate for a rigger in the  
14 D.C. area?

15  A.   I do not, off the top of my head, no.

16  Q.   Are you familiar with something called 4-hour minimum  
17 pay?

18  A.   I'm familiar with the term, yes.

19  Q.   And can you explain what it is?

20  A.   In the AV industry, there is often a guarantee of if you  
21 come into work, you will at least be paid for 4 hours of your  
22 time regardless of how much time you work.

23  Q.   And do the riggers receive this minimum 4-hour pay to  
24 your knowledge?

25  A.   So as a -- as PSAV, we pay our team members for their

1 time worked. So our team members clock in and out, and they  
2 should be working the time that they're scheduled for. The  
3 directive to all the managers is to not schedule our team  
4 members for less than 4 hours because it's a lot of work to  
5 come into a hotel and travel in traffic. In this area, it's  
6 pretty bad. So we generally say no shift should be less than  
7 4 hours so that we are avoiding that. But we don't have a  
8 policy that says there is a 4-hour minimum. There is not a  
9 fixed if you come in, you're guaranteed to work at least 4  
10 hours at PSAV.

11 Q. So is there a 4-hour minimum call for any of your AV  
12 techs or riggers?

13 A. So a minimum or a guarantee of 4 hours?

14 Q. A guarantee of 4 hours pay.

15 A. So, no. What we have said in some instances, especially  
16 in D.C., again, the goal is to never schedule somebody for  
17 less than 4 hours.

18 Q. That's not my question.

19 A. So for --

20 MR. SHANKMAN: Let him answer, please.

21 THE WITNESS: So, beyond that, we do have some instances  
22 where we may ask a team member to go and perform some work  
23 for say 2 hours just because we just need them for a quick in  
24 and out. And in those instances, we have guaranteed that we  
25 will pay them for 4 hours just to compensate them for their

1 time and travel, in addition to the work that they do.

2 Q. And that applies to riggers; is that accurate?

3 A. And AV technicians.

4 Q. And it applies -- and AV technicians are also paid  
5 4-hour minimum?

6 A. In instance where we agree to do that.

7 Q. This is on a case-by-case basis?

8 A. More or less. It's not a policy. It's we look at it.  
9 Ideally, if there is a shift that's less than 4 hours and it  
10 ends early, we encourage all of our team members to use that  
11 additional time for training to help out with other stuff  
12 going on in the hotel, whether that be additional AV work,  
13 additional rigging work, additional help in the store rooms.  
14 We encourage them to do a lot of training as well. So our  
15 goal is to really never have a shift that's less than 4  
16 hours.

17 HEARING OFFICER ANDELA: And just on that last point  
18 about encouraging training, that goes both directions? Well,  
19 I imagine the two directions are you have AV techs, you want  
20 them to get rigging training during that downtime?

21 THE WITNESS: If possible. If that's an opportunity for  
22 them.

23 HEARING OFFICER ANDELA: Does that happen?

24 THE WITNESS: Sure. There's maybe an opportunity for  
25 them to go and build truss and spend some time on site with

1 any rigging that's taking place.

2 HEARING OFFICER ANDELA: And what about rigging --  
3 riggers, are they encouraged to train?

4 THE WITNESS: Absolutely.

5 HEARING OFFICER ANDELA: So it would be the same --

6 THE WITNESS: We encourage all of our team members to  
7 learn all aspects of what we do. It includes power and  
8 internet as well, all of those things together.

9 HEARING OFFICER ANDELA: Are you able to say how often  
10 team members take advantage of this aspiration?

11 THE WITNESS: Pretty often based on how -- we have a  
12 lot, we've done a lot of training in the market, so it should  
13 happen. It should be happening pretty often. They're -- we  
14 are also very busy quite often, so oftentimes our team  
15 members may just say that's it, enough, I'd rather just go  
16 home.

17 HEARING OFFICER ANDELA: And they wouldn't get paid any  
18 differently by the hour based on whether it's their specified  
19 work or this training during --

20 THE WITNESS: They work up until we clock them out.  
21 Generally, speaking, if it's less, it's because something has  
22 changed with the event and there's just nothing else to do.  
23 And we usually encourage the training because that's the  
24 goal. But in some instances, that may not be feasible for  
25 them.

1           HEARING OFFICER ANDELA: If they've worked more than  
2 4 hours, are they still encouraged to do training if there's  
3 an opportunity for it, or does this only apply to --

4           THE WITNESS: No. Potentially, I mean if there is the  
5 opportunity to do additional training while they're on site.

6           HEARING OFFICER ANDELA: Sorry.

7 Q. BY MS. SIMON: You testified earlier that riggers always  
8 work in pairs.

9 A. I believe so, yes, that's my understanding.

10 Q. Do AV techs always work in pairs?

11 A. It depends on what they're doing. Often, yes,  
12 especially if we're putting up screens, if they're doing  
13 rigging work, if they're doing anything where they'll be  
14 getting up in a scissor lift and going up into the air. But,  
15 yeah, generally they will work in pairs.

16 Q. Do they always work in pairs?

17 A. Not always.

18 Q. Why do riggers always work in pairs?

19 A. My understanding of that is that it's again so they can  
20 communicate with each other when one is up in the air and one  
21 is down on the ground and just for an extra set of eyes on  
22 the safety aspect of things.

23 MS. SIMON: Can I just go off the record for one moment?

24 **HEARING OFFICER ANDELA: Off the record.**

25 **(Off the record at 4:37 p.m.)**

1 HEARING OFFICER ANDELA: Say that one more time.

2 Nothing further?

3 MS. SIMON: No further questions. Thanks.

4 MR. SHANKMAN: I'll try to be fast.

5 **REDIRECT EXAMINATION**

6 Q. BY MR. SHANKMAN: Mr. Wanamaker, early on in counsel's  
7 examination of you or cross-examination, there was discussion  
8 about rigging occurring where no points exist, where no fixed  
9 points exist in the ceiling. What type of rigging would  
10 occur where there's no fixed points in the ceiling?

11 A. So either it's ground supported or we use what we call a  
12 crank tower, which is a device which basically is a manual  
13 crank to hoist truss up from the ground. Or depending on if  
14 it's outside of a PSAV venue or in certain spots in PSAV  
15 venues, it would be creating a temporary point or install --  
16 creating a bridle, which is a connection between two points  
17 to make a single point.

18 Q. Is air track an area where there would be rigging but  
19 not have fixed points?

20 A. Yes. So air tracks, and that's a lot of the rigging  
21 that we do is the air, the air track rigging in venues that  
22 don't have installed points and would not be a venue where we  
23 would install a bridle or use crank towers because generally  
24 that's not conducive to that environment, whether that be a  
25 luxury hotel or just the overall ins and outs of that venue.



1 So, yes, a lot of it is the air track rigging.

2 Q. And sky hooks as well?

3 A. Sky hooks as well, yes. Those are installed in a number  
4 of venues.

5 Q. But that's not considered a fixed point, right, or is  
6 it?

7 A. I would -- I'd have to defer to probably the regional  
8 rigging manager. I think a sky hook is a type of fixed  
9 point.

10 Q. Okay. I'll ask Mr. Wallace. So in those locations  
11 where we don't have fixed points and rigging still occurs, do  
12 you have an understanding of who does rigging in those venues  
13 for PSAV?

14 A. It's largely our AV technicians at those venues or from  
15 another venue somebody who has experience with that coming to  
16 support them. And in some instances it would also be  
17 somebody who is a rigger coming to help as well. It varies  
18 depending on what's going on.

19 Q. Okay. And would you pull out Employer's Exhibit 6,  
20 please.

21 A. Yes.

22 Q. If you would go to about five pages in where it says  
23 "What is Rigging" with a red circle. See that?

24 A. Okay.

25 MS. SIMON: Do you have the approximate page?

1 MR. SHANKMAN: About five pages in.

2 MS. SIMON: Got it.

3 Q. BY MR. SHANKMAN: Is this -- this obviously says what is  
4 rigging, right?

5 A. Yes.

6 Q. Are you familiar with this, where it says for PSAV's  
7 purpose and then it goes into the definition.

8 A. That is correct, yes.

9 Q. Is this definition in Exhibits 6, Employer's Exhibit 6,  
10 consistent with your understanding of rigging in your market  
11 of D.C., Virginia, and Maryland?

12 A. Yes, it is.

13 Q. Okay. And the rigging that you've been talking about in  
14 terms of what AV techs do and what riggers do, is this also  
15 consistent with their function as riggers?

16 A. Yes, it is.

17 Q. Both the AV techs and the riggers.

18 A. Yes.

19 Q. And if you would turn to that page that talked about the  
20 rigging team structure with the different names, the boxes.

21 A. Yes.

22 Q. You've got that?

23 A. I do.

24 Q. On Exhibit 6, it's about 20 percent of the way in.

25 Everybody got it? Counsel, you've got it? Thank you. This

1 rigging team structure that's referenced and the different  
2 names in all the boxes, are any of these employees hourly  
3 people?

4 A. No, not that I'm aware of.

5 Q. Okay. So this, the rigging team structure that's  
6 identified here, all refers to exempt and/or management  
7 people, correct?

8 A. Correct, yeah. Our rigging division, yes.

9 Q. And then -- that's it for that question. And then  
10 now -- oh, you talked about the starting tech rate of 16.50.

11 A. That's correct.

12 Q. Right. When we say -- when we say that -- or when you  
13 say the starting tech rate is 16.50, is that for your region  
14 or is that company-wide?

15 A. That is for Washington, D.C.

16 Q. Okay. Do tech -- can a starting AV technician make --  
17 in other words, starting as in first-time worker for PSAV,  
18 could that person start higher than 16.50?

19 A. Yes, they can.

20 Q. Under what circumstances would that occur?

21 A. If they have additional experience.

22 Q. How about a tech specialist, would that also be the  
23 same? Is there a starting rate?

24 A. Their starting rate would be higher.

25 Q. Okay. Higher than the tech, right?

1 A. Yes.

2 Q. Okay. What about are there variations for tech  
3 specialist also based on experience?

4 A. Yes, experience, college degree, additional knowledge of  
5 different parts of audio video lighting, yes.

6 Q. Do you know if tech specialists rates are equal to, less  
7 than, or more than rigger rates from time to time?

8 A. Yes to all of those from time to time. It's generally  
9 in the same vicinity. Sometimes higher, sometimes the same,  
10 sometimes lower.

11 Q. Okay.

12 HEARING OFFICER ANDELA: Just to clarify, are we talking  
13 about across grades? Like would an AV II ever make more than  
14 a rigger II?

15 THE WITNESS: So, specifically, I think you're asking  
16 about tech specialists, which would be --

17 MR. SHANKMAN: I was talking about a tech specialist at  
18 the time, but go ahead and answer his question.

19 THE WITNESS: That would be the one. That would be the  
20 one, yes. So, generally, it would be the tech II or a lead  
21 technician. It would be higher than a technician. It  
22 would -- but then it would be lower than a tech specialist.

23 Q. BY MR. SHANKMAN: And just so we're clear because I  
24 think there's impressions here, do all tech specialists make  
25 the same amount of money?

1 A. No.

2 Q. Are there -- what factors determine how much a tech  
3 specialist is going to make?

4 A. It's length of time with the Company, the venue that  
5 they operate in, their experience, again, a degree,  
6 additional training that they may have gone through, their  
7 skill set. They're paid for what they're capable of doing.

8 Q. Perfect, thank you. Last question for the moment, you  
9 talked about riggers working in pairs for safety reasons, and  
10 then you talked about AV techs, they also work in pairs.  
11 Have you ever seen a rigger go up in a bucket with a guy in  
12 the scissor lift and a guy on the ground?

13 A. Yes.

14 Q. Have you seen AV techs do something the same -- a  
15 similar thing or the same?

16 A. Yeah, so similarly, if an AV technician is going up in  
17 the bucket or the lift, there should be somebody on the  
18 ground as well. So they're working in pairs at that point as  
19 well.

20 Q. Is the reason for the person on the ground for the AV  
21 tech any different than the reason for the rigger to be on  
22 the ground for the rigger?

23 A. No, it's the same.

24 Q. The hourly -- the riggers are paid hourly, right?

25 A. That is correct.

1 Q. The technicians are paid hourly, right?

2 A. Yes.

3 Q. And who do they -- if they're being -- if they engage in  
4 misconduct at work in a hotel, who would discipline them?

5 A. It would all go up through the director, the DET of the  
6 venue. It would be --

7 MS. SIMON: Objection. This is something that we  
8 requested in the subpoena. We raised the objection earlier  
9 regarding supervisory authority and indicia. And we  
10 requested these documents. They weren't provided. We agreed  
11 earlier this morning that we would raise the objection when  
12 this occurred. This testimony is now occurring, and we're  
13 raising the objection.

14 HEARING OFFICER ANDELA: Mr. Shankman, your response to  
15 that?

16 MR. SHANKMAN: I think we already covered that. Number  
17 one, the petition to revoke is not due until tonight under  
18 the terms of the subpoena. The records aren't even due until  
19 tonight. We were kind enough to provide them earlier. And  
20 the org chart which we gave them shows, which is a document  
21 they have, which I think they put into evidence, actually  
22 demonstrates that the DET is above the rigging coordinator,  
23 which would obviously demonstrate that they have a higher  
24 level of authority. But I could ask that question if we  
25 want -- I'll do that to clarify the record. May I?

1 Q. BY MR. SHANKMAN: Is a -- in the organizational  
2 structure of the Company where directors, DETs are working  
3 with -- where rigging coordinators also work, is there a  
4 hierarchical difference between the two?

5 A. No. The rigging coordinator -- or, yes, there is a  
6 difference. The rigging coordinator reports to the director,  
7 reports to the DET.

8 Q. Okay. And then by virtue of that organizational  
9 structure, does the director have the ability to discipline a  
10 rigger as well as an AV technician?

11 A. Yes.

12 Q. Does a rigging coordinator have the ability to  
13 discipline a rigger?

14 A. Yes.

15 Q. Does a rigging coordinator discipline any AV tech?

16 A. Not generally.

17 Q. Because they don't -- the AV tech doesn't report to the  
18 coordinator?

19 A. Correct.

20 Q. Is there an equivalent of a rigging coordinator on the  
21 AV side?

22 A. Yes, either an operation manager or director of  
23 operations.

24 Q. Okay. Good.

25 A. Who would also report to the director, to the DET.

1 Q. Okay. I'm sorry, last question. There was a  
2 conversation earlier about a lead rigger. Is there another  
3 tem for a lead rigger in your market here?

4 A. Not that I'm aware of.

5 Q. What's a rigging supervisor?

6 A. The rigging supervisor would be somebody who is  
7 generally I guess over the regular riggers, and they're  
8 providing additional support for the rigging. It's an  
9 additional level up from a rigger.

10 Q. All right. And I keep saying last question, but I  
11 just -- sorry.

12 HEARING OFFICER ANDELA: It'll be true at some point.

13 MR. SHANKMAN: Eventually it'll be true; that's true.  
14 This is completely in a different line of questioning.

15 Q. BY MR. SHANKMAN: Where do technicians and riggers, is  
16 there a place where they have the opportunity to eat --

17 A. Yes.

18 Q. -- lunch or meals?

19 A. Yes. Generally, our hotel partners will allow our team  
20 members to eat in their employee cafeteria, in the hotel  
21 venue. And it's something they offer to our team members,  
22 and everyone generally eats there if they want that food.

23 Q. Is there a reduced pay rate, or is there a reduced  
24 charge for that or any charge?

25 A. It varies by venue. In some venues there's no charge at



1 all, and some venues there is a reduced charge for it, yes.

2 Q. Is there any difference in those costs between riggers  
3 and AV techs?

4 A. No, it's the same.

5 Q. Okay. At the Gaylord, is there a separate break room  
6 for AV tech -- for riggers?

7 A. No. There is one break room for all employees.

8 Q. And is that the same at other properties as well?

9 A. Yes. There's --

10 Q. If there is a break room, they share it?

11 A. It would be the employee cafeteria is where that takes  
12 place.

13 Q. Okay.

14 MR. SHANKMAN: Now I'm really done. Thank you very  
15 much.

16 HEARING OFFICER ANDELA: Just a couple of things before.  
17 This chart.

18 THE WITNESS: Yes.

19 HEARING OFFICER ANDELA: Rigging team structure. Were  
20 there more under here, who would be under them?

21 THE WITNESS: I don't believe there are more. On this,  
22 so I could probably speak mostly to what would be that second  
23 column from the left as it gets down to Patrick Wallace, who  
24 supports my market. And then he has Eric -- Eric, Randy, and  
25 Chad.

1 HEARING OFFICER ANDELA: And what's their title? Sorry.

2 THE WITNESS: Well, so what you would see there is  
3 there's no line from --

4 HEARING OFFICER ANDELA: Right.

5 THE WITNESS: -- Patrick to --

6 HEARING OFFICER ANDELA: They're just kind of floating.

7 THE WITNESS: Right. Because they report to the  
8 director, not to Patrick.

9 HEARING OFFICER ANDELA: But what's their job title  
10 again?

11 THE WITNESS: So those are the rigging coordinators.

12 HEARING OFFICER ANDELA: Rigging coordinators.

13 THE WITNESS: So Patrick, from his role, provides  
14 support to those individuals as well as our other DETs and  
15 our other operations in all of our venues. So going down  
16 that chain, Patrick -- I don't know, Patrick could answer  
17 that question of who his direct reports are. But I'm not  
18 aware of any additional people below that. And from my  
19 perspective, so my side is the DET down through the rigging  
20 coordinator as well as the riggers.

21 HEARING OFFICER ANDELA: So in your experience, the  
22 rigging coordinators don't have a team? Like each  
23 coordinator doesn't have a team of employees under them?

24 THE WITNESS: The regional rigging manager or the  
25 rigging coordinator?

1           HEARING OFFICER ANDELA:   The coordinators.

2           THE WITNESS:   So the coordinators would.   So, for  
3 instance, Chad at the Gaylord, he does have riggers that  
4 report to him.

5           HEARING OFFICER ANDELA:   Okay.   How many to each, or is  
6 it just like evenly distributed?

7           THE WITNESS:   Patrick would be the better person to  
8 answer that question.

9           HEARING OFFICER ANDELA:   And one other question I had.  
10 I believe it's fair to say you've testified that AV techs and  
11 riggers perform substantially some more tasks at least from  
12 time to time.

13          THE WITNESS:   Yes.

14          HEARING OFFICER ANDELA:   We haven't really gotten into  
15 how much.   But just with -- assuming that, do employees get  
16 paid any differently depending on what they're assigned to do  
17 at a certain time?

18          THE WITNESS:   No.   Our team members are paid one pay  
19 rate for -- that's their pay rate for the job that they do.  
20 And the job that they do is the execution of the event that  
21 we're putting on.   That's how we pay for them, the hours  
22 worked at that pay rate.

23          HEARING OFFICER ANDELA:   Anything?

24          MS. SIMON:   Just very quickly.

25                                   **RECROSS-EXAMINATION**

1 Q. BY MS. SIMON: I believe you testified on redirect about  
2 locations where there were no fixed points -- where there are  
3 no fixed points, the kind of -- the rigging that was done  
4 largely by AV techs and other folks. What about locations  
5 where there are fixed points, who is doing the rigging to  
6 those fixed points?

7 A. Same answer, AV technicians as well as riggers. We have  
8 venue with fixed points where it's almost entirely our AV  
9 technicians doing that rigging.

10 Q. Can you give an example?

11 A. Washington Hilton.

12 Q. And are there chain motors involved in doing the rigging  
13 to those fixed points there?

14 A. Yes, there are.

15 Q. What is being rigged to those fixed points?

16 A. A stick of -- like all of our truss with lighting and  
17 speakers and screens.

18 MS. SIMON: Nothing further. Thanks.

19 HEARING OFFICER ANDELA: All right. Mr. Wanamaker, you  
20 may be excused.

21 THE WITNESS: Thank you. Do I leave these up here?

22 **(Witness excused.)**

23 MR. SHANKMAN: So can I talk with my client for a  
24 second?

25 **HEARING OFFICER ANDELA: Sure. Off the record for a**

1   **minute.**

2   **(Off the record from 4:54 p.m. to 4:58 p.m.)**

3           HEARING OFFICER ANDELA:   Mr. Shankman?

4           MR. SHANKMAN:   Employer calls Sean Lyden.

5           HEARING OFFICER ANDELA:   Mr. Lyden, could you raise your  
6   right hand?

7   (Whereupon,

8   **SEAN LYDEN**

9   was called as a witness by and on behalf of the Employer and,  
10  after having been duly sworn, was examined and testified, as  
11  follows:)

12          HEARING OFFICER ANDELA:   Thank you.

13   **DIRECT EXAMINATION**

14  Q.   BY MR. SHANKMAN:   Mr. Lyden, would you state your full  
15  name, please?

16  A.   My full name is Sean Lyden.

17  Q.   And do you work for PSAV?

18  A.   Yes, I do.

19  Q.   In what capacity?

20  A.   I am the director of event technology for PSAV at the  
21  Marriott Marquis.

22  Q.   Marriott Marquis is in D.C.?

23  A.   Yes.

24  Q.   How long have you been with the Company?

25  A.   About 7 years or so.

- 1 Q. How long have you been the director at the Marriott?
- 2 A. About 2 years.
- 3 Q. Are you familiar with the concepts in PSAV of rigging?
- 4 A. Yes, I am.
- 5 Q. Do you have any riggers that are assigned to your
- 6 property?
- 7 A. Yes.
- 8 Q. And how many of them are assigned to your property?
- 9 A. Four.
- 10 Q. And who -- do you have a rigging coordinator at your
- 11 property?
- 12 A. Yes.
- 13 Q. Who is your rigging coordinator?
- 14 A. That's Randy, Randy Whitcomb.
- 15 Q. Whitcomb, W-h-i-t-c-o-m-b?
- 16 A. Yes.
- 17 Q. And do you have audio visual technicians assigned at
- 18 your property?
- 19 A. Yes, I do.
- 20 Q. How many do you have roughly?
- 21 A. Roughly 15 to 20.
- 22 Q. There was testimony about a labor call. Do you
- 23 remember -- were you here for that when there was discussion
- 24 about a labor call?
- 25 A. No, I was not, no.

1 Q. Okay, well, I'll start over. Do you know what a labor  
2 call is?

3 A. Yes.

4 Q. Can you tell us what a labor call is?

5 A. Where there is team members, directors, operational  
6 managers, anybody in the capacity to bring other team members  
7 onto their property will participate in a call to facilitate  
8 needs for an event that may require additional team members  
9 to come onto the property.

10 Q. And have you participated in those calls?

11 A. Yes.

12 Q. How often do they occur?

13 A. They occur weekly.

14 Q. And do you participate in them weekly unless you're  
15 unable to for some reason?

16 A. Weekly, unless I'm unable to, yes.

17 Q. And you said you have roughly 15 to 20 audio visual  
18 technicians. Are there times where your technicians are  
19 assigned off property?

20 A. Yes.

21 Q. And are there times where technicians from other  
22 properties are assigned to your property?

23 A. Yes.

24 Q. Who makes the decision of whether and what technicians  
25 should be assigned off property?

1 A. It'll be either myself, it'll be my operations manager,  
2 it'll be other operations managers. We share labor.

3 Q. If you need a particular AV technician, how do you -- in  
4 addition to your current staff, how do you go about that?

5 A. We'll either call other properties directly that we know  
6 have those technicians with those, any specific skill we  
7 need. Or we'll put the -- we'll actually schedule the need  
8 on the program that we use, and then that program will be  
9 pulled up by the labor coordinator on the phone call. And  
10 then he'll just kind of yell out, okay, we have a need for an  
11 audio I technician, or we need a V-1 technician at this  
12 property. And whoever is on the call will offer up their  
13 technician depending on availability.

14 Q. Okay. I think you said earlier you have riggers on  
15 property, right?

16 A. Yes.

17 Q. Are there times when you need more than the three  
18 riggers that are assigned to your property?

19 A. Yes.

20 Q. And how do --

21 MS. SIMON: Objection. I believe it was four riggers  
22 that were assigned. Can we get clarification.

23 HEARING OFFICER ANDELA: I believe he said four.

24 Q. BY MR. SHANKMAN: Was it four?

25 A. Yeah, four riggers, yes.



1 MR. SHANKMAN: Okay, sorry about that. Thank you.

2 HEARING OFFICER ANDELA: It's all right.

3 Q. BY MR. SHANKMAN: When you need more than four riggers,  
4 how does that get accomplished?

5 A. Typically, Randy will work with the other rigging  
6 coordinators to pull from other properties, or we'll go  
7 outside to contractors.

8 Q. Okay. And we can get this through other witnesses, but  
9 just so I want to understand from you if you know. You said  
10 you have four riggers assigned to your property. Do you know  
11 where the other riggers are assigned to?

12 A. Mostly at the Gaylord and one or two maybe throughout,  
13 but I don't know where other riggers are assigned other than  
14 the Gaylord.

15 Q. Okay. So to your knowledge, it's the four on your  
16 property and everybody else is at the Gaylord, right?

17 A. Correct.

18 Q. Okay. So do those riggers to your knowledge work at  
19 properties other than the Marriott Marquis, your hotel, and  
20 the Gaylord?

21 A. Yes.

22 Q. And do you know who makes the decisions to move them  
23 around from time to time?

24 A. Typically, the rigging coordinators or regional rigging  
25 managers.

1 Q. Got you. And focusing on your particular hotel, what  
2 type of rigging occurs in your hotel?

3 A. All kinds of rigging. Ground-supported rigging, above  
4 the head from fixed points, as well as air wall hanging.

5 Q. Oh, you have air walls at your --

6 A. Yes.

7 Q. -- property?

8 A. Yes, we do.

9 Q. Do you have the sky hooks?

10 A. Not to my knowledge.

11 Q. So you have ground support, overhead with fixed points,  
12 and air wall rigging. There was testimony earlier about  
13 speakers getting hung by -- speakers getting put up in the  
14 air. Does that occur at your property?

15 A. Yes.

16 Q. Who would typically put a speaker up in the air? In  
17 other words -- let me withdraw that. Does the speaker get  
18 attached to -- withdraw that.

19 How are speakers typically rigged at your property if  
20 they're put in the ceiling --

21 A. They can --

22 Q. -- or on the roof?

23 A. I'm sorry. They can either be hung from -- directly  
24 from a point or from truss.

25 Q. And when they're attached to a point or truss, who

1 typically does that?

2 A. That will be the rigger.

3 Q. The rigger, okay. And then when that speaker is aimed,  
4 how does that normally occur?

5 A. That will be by the audio technician.

6 Q. Does the audio technician work with the rigger at your  
7 property?

8 A. Yes.

9 Q. And then how do they work together, if you know?

10 A. Basically, the audio technician will go up into the  
11 bucket or lift and will direct the speaker. And then will  
12 tie it off to either the truss or tie it off to any other  
13 structure near.

14 Q. Is the rigger working with the audio tech to tie it off  
15 like that?

16 A. Typically, the audio tech is up in -- it can be up in  
17 the bucket by himself, or the rigger can be up there as well  
18 just working on something maybe in that area as well.

19 Q. Okay. Who are the three audio techs -- withdraw that.  
20 Who are the three riggers assigned to your property?

21 A. Four.

22 HEARING OFFICER ANDELA: It's four. Thank you.

23 Q. BY MR. SHANKMAN: Sorry, four. I keep saying three.

24 A. So I have three full-time riggers, which are Kate,  
25 Eliza, and -- Kate, Eliza, and Amanda. And then I have a

1 part-time rigger, Tom.

2 Q. Have there been occasions when Kate, Eliza, Amanda, and  
3 Tom are not on property but rigging still occurs at your  
4 property?

5 A. Yes.

6 Q. Anything come to mind off the top of your head as we sit  
7 here?

8 A. Not recently, no.

9 Q. Well, when you say not recently, meaning no particular  
10 event?

11 A. No particular event.

12 Q. How often would you say it occurs when someone other  
13 than Kate, Amanda, Eliza, or Tom is doing rigging at your  
14 property?

15 A. How often? Maybe once every 2 months possibly.

16 Q. And rigging, I'm talking about ground truss rigging --

17 A. Ground truss rigging, okay. So if you're talking ground  
18 truss rigging, all the time. Technicians will be putting up  
19 truss towers, will be setting up truss arches. They'll be  
20 putting the equipment on the truss arches or the truss  
21 towers. And that happens almost daily, every other day  
22 depending on what programs we have in the house.

23 Q. What about the air walls, are the techs doing the air  
24 wall track rigging?

25 A. At our property, not particularly the air wall track

1 rigging. But mostly ground supported is what the AV  
2 technicians will be working on.

3 Q. And then earlier when you were talking about once every  
4 couple of months, was that where a rigger or a technician  
5 would be rigging other than the four assigned to your  
6 property?

7 A. Well, so we also have one or two cross-trained  
8 technicians that will help say if one of the four are on site  
9 or even if Randy is supervising a rig. They will be a little  
10 bit more involved in the rigging aspect of that program. And  
11 cross-trained technicians will be able to put their hands on  
12 the motors, will be able to do more of the motor work, and  
13 actually hang the point or hang the motor to the point.

14 Q. And just so we're clear, this is the first time we've  
15 heard that term, what is a cross-trained technician?

16 A. A technician who has gone to the rigging training course  
17 and who has just more knowledge of all aspects of rigging,  
18 more knowledge than another audio visual technician would  
19 have.

20 Q. And that cross-trained technician, do you use that  
21 cross-trained technician for a particular type of rigging on  
22 a more regular basis?

23 A. That cross-trained technician would probably be used  
24 specifically if we could use them on a rig that is going to  
25 be up in the air.

1 Q. When a cross-trained technician does work in the air  
2 like you've just described, does their pay rate change?

3 A. No.

4 Q. Now let me turn your attention back to Eliza, Kate, and  
5 Amanda. When Eliza, Kate, and Amanda were assigned as  
6 riggers or at some point when they were riggers on your  
7 property, what, if any, conversation did you have with them  
8 regarding their work as riggers or as AV technicians?

9 A. So there was a point in which they were realizing that  
10 they may not make full-time hours, and this was more for the  
11 purpose of benefits. So we gave them the option to take  
12 shifts that would involve general AV work and if they needed  
13 more hours for the week. They wouldn't be paid any more or  
14 any less than their normal work rate, and they'd be able to  
15 increase their hours for the week.

16 Q. Did Kate take -- do AV technician shifts?

17 A. Kate, not necessarily as much as Eliza. Eliza, I think,  
18 took most -- more advantage of that arrangement.

19 Q. Okay. Let me back up. When you had this conversation  
20 with them, when you said it was for purpose of benefits, was  
21 that to make sure that they hit a certain number of hours so  
22 they wouldn't lose their benefits?

23 A. Yes.

24 Q. Okay. What prompted that conversation?

25 A. Just the fact that they realized that they weren't

1 getting as much work because rigging work can be few and far  
2 between. We were more so using them for rigging up in the  
3 air. They weren't taking shifts where ground rigging would  
4 be done because most of the AV technicians were taking that  
5 work.

6 Q. Yep.

7 A. And so they realized that their hours weren't as high as  
8 they needed them to be. So we had a conversation, and Eliza  
9 took advantage of it. Amanda took advantage of it every now  
10 and then for concierge work or actually loading liaison work.  
11 But this just helped them get more hours.

12 Q. Okay. Let's talk about -- was it Amanda was the loading  
13 liaison work?

14 A. Um-hum.

15 Q. What is that?

16 A. Loading liaison would be when an outside audio visual  
17 company is coming, is going to be on site, and they need just  
18 direction of where to put their stuff, what to do and what  
19 not to do when they're on site, just somebody to just  
20 oversee, who has knowledge of the facilities to really just  
21 provide them with help on site.

22 Q. And if Amanda -- if a rigger doesn't do that, what  
23 classification would typically be a loading liaison?

24 A. A technician, AV technician.

25 Q. And you said Eliza took more advantage of it. You used

1 some terminology like that. What type of AV work would Eliza  
2 do?

3 A. She'd be doing set strike work, basically set up of  
4 basic projectors, helping with the setup of microphones,  
5 basic -- anything that would be required of a basic general  
6 set, which is just a projector, screen, microphone package,  
7 sometimes setting podiums, generally people, yes.

8 Q. What skill set -- I don't know if you saw the  
9 terminology, if you were here when we were talking about  
10 A-1s, A-2s, and A-3s or whatever the terminology was, the  
11 basic technician. What skill set would normally do that kind  
12 of work?

13 A. An AV III.

14 Q. An AV III?

15 A. Yes.

16 Q. Okay. So a starting technician could do the work that  
17 Eliza was given?

18 A. Correct.

19 Q. Okay. Now, you said that the ground truss work is done  
20 I think you said daily or weekly --

21 A. Weekly, I'd say.

22 Q. -- by AV technicians?

23 A. Weekly, yes.

24 Q. And then the air wall track or who is typically doing  
25 that?



1 A. That's typically the riggers. That's when we need pick  
2 lines, we call them. Anytime you would have cabling that  
3 would need to get from the truss structure to the back or  
4 front of the room that didn't require another line of truss  
5 to be set up, we'd usually run a pick line from the truss to  
6 the back of the room where a tech station would be.

7 Q. All right, you've got to help us a little bit.

8 A. Sure.

9 Q. "Pick line" is another new term.

10 A. So it's basically a line of cabling that would basically  
11 hang at some points all the way back to the back of the room.

12 Q. And the points that it's hanging to, are those the air  
13 wall?

14 A. Are the air wall tracks, yes.

15 Q. On the air wall track.

16 A. So the air wall hangers basically.

17 Q. How would that cable get connected to the air wall  
18 track?

19 A. A rigger would go up and put it in there.

20 Q. Would they use a chain motor typically for --

21 A. No, no chain motors.

22 Q. So that would be a circumstance where a rigger is  
23 hooking up to an air wall track using what, a lift, some kind  
24 of lift?

25 A. Yeah, a lift. And a technician is able to do it. I've

1 done it at other properties myself. I'm not a rigger. Other  
2 technicians have done it at other properties that I've  
3 overseen.

4 Q. Okay. One second, please.

5 MR. SHANKMAN: Nothing further. Thank you. Thank you,  
6 sir.

7 MS. SIMON: I think I just have a couple, but can I just  
8 take 2 minutes?

9 **HEARING OFFICER ANDELA: Sure. Off the record.**

10 **(Off the record from 5:15 p.m. to 5:16 p.m.)**

11 **CROSS-EXAMINATION**

12 Q. BY MS. SIMON: Hi, Mr. Lyden. I just have a couple of  
13 questions for you.

14 A. Yes.

15 Q. You testified that there were four full-time riggers or  
16 three full-time riggers and a part-time rigger assigned to  
17 the Marquis.

18 A. Yes.

19 Q. And I think you testified that sometimes none of them  
20 are there.

21 A. Yes.

22 Q. Is that accurate? And are other riggers sometimes  
23 assigned to the Marquis in addition to these four individuals  
24 you identified?

25 A. Yes, can be.

1 Q. Pardon me?

2 A. Yes.

3 Q. There are, okay. How often are other people assigned,  
4 other riggers assigned?

5 A. That's probably not something I can accurately say.

6 Q. You talked also about loading liaison work. And I  
7 believe you testified that that will occur when outside AV  
8 companies come on site.

9 A. Yes.

10 Q. And what do outside AV companies come on site, they come  
11 on site for other projects?

12 A. Yes, other projects.

13 Q. How often would you say there is outside AV companies  
14 on site?

15 A. Quite often, once every 2 weeks, maybe more times.

16 Q. What kind of work are they doing?

17 A. They're doing audio visual work, audio, video, lighting.

18 Q. When the outside AV companies are on site, what are --  
19 are PSAV AV technicians on site as well?

20 A. Yes.

21 Q. What is -- what are they doing?

22 A. I mean we can be working different shows or we can  
23 actually be working the same show. Typically, if an outside  
24 company comes in and they need rigging, our AV technicians  
25 will be assigned to that show to build the truss.

1 Q. And will they be building that for ground truss?

2 A. Both ground and in the air.

3 Q. All right. Will the riggers be working with whatever AV  
4 companies are on site, PSAV or others or both?

5 A. Yes.

6 MS. SIMON: Nothing further.

7 MR. SHANKMAN: Some quick follow-up before I forget.

8 **REDIRECT EXAMINATION**

9 Q. BY MR. SHANKMAN: Is there a cafeteria at your hotel?

10 A. Yes, there is.

11 Q. Does the hotel operate the cafeteria?

12 A. Yes.

13 Q. Do PSAV employees have access to that cafeteria?

14 A. Yes, they do.

15 Q. The riggers also have access to that cafeteria?

16 A. Yes, they do.

17 Q. Do you know if they use the cafeteria?

18 A. From time to time, yes.

19 Q. Do you know if they eat together from time to time?

20 A. The riggers or --

21 Q. The riggers and the technicians.

22 A. I don't know actually.

23 Q. Would they have opportunity if they choose to?

24 A. They have the opportunity, yeah. They're not sitting --  
25 they're not separated.

1 Q. Okay. Let me jump over to the outside AV and you raised  
2 the issue. Let me show you what we'll mark as Employer's  
3 Exhibit 7.

4 **(Employer's Exhibit 7 marked for identification.)**

5 HEARING OFFICER ANDELA: Real quick, do they have  
6 assigned lunch hours or lunch breaks?

7 THE WITNESS: No.

8 HEARING OFFICER ANDELA: As it arises?

9 THE WITNESS: Yeah, as the time arises. And that goes  
10 for the entire team actually because it's an ebb and flow  
11 throughout the day. Thank you.

12 Q. BY MR. SHANKMAN: So I've handed you Employer's Exhibit  
13 7. Do you know what that depicts?

14 A. Yes.

15 Q. What is that?

16 A. This is a truss building. So a technician, an AV  
17 technician, or it could be a rigger, I'm not sure, is putting  
18 together the truss. He's got a bolt in his right hand and a  
19 nut in his left hand.

20 Q. So would this be an example of the truss that goes in  
21 the air?

22 A. Yes.

23 Q. How can you tell that, just so the record is clear?

24 A. Because this is truss that we use to put in the air.

25 Q. Earlier the comment was made from Ms. Simon that when an

1 outside AV company comes in, you said that they may help  
2 assist -- our AV technicians may assist the riggers in  
3 putting the truss together.

4 A. Yes.

5 Q. Is this an example of what that would look like?

6 A. Absolutely.

7 Q. Exhibit 7.

8 A. Yes.

9 Q. And then one last question -- well, withdraw that. How  
10 often does this happen where they're putting truss together,  
11 assisting the -- withdraw that.

12 How often does it occur where AV technicians are  
13 assisting to build truss like Exhibit 7?

14 A. Very, very often.

15 Q. In your world, what are -- I don't know what that means.

16 A. At least every week.

17 Q. At least every week.

18 A. Yes.

19 Q. Does that -- do they assist in putting truss together as  
20 depicted in Exhibit 7 only when outside AV comes in?

21 A. No.

22 Q. So whether it's outside AV or PSAV is doing the AV work,  
23 AV technicians are assisting and building truss.

24 A. Yes.

25 Q. And that occurs weekly.

1 A. That occurs weekly.

2 Q. Quickly, where do employees clock in for work? Where do  
3 they sign in?

4 A. In our operations office.

5 Q. Do the technicians sign in at that office?

6 A. Yes.

7 Q. Do the riggers also sign in at that office?

8 A. Yes.

9 MR. SHANKMAN: That's all. Nothing else, thank you.

10 HEARING OFFICER ANDELA: Did you want to enter that?

11 MR. SHANKMAN: Oh, thank you. Yeah, move for the  
12 admission of exhibit Employer's 7.

13 HEARING OFFICER ANDELA: I don't know if you're ready to  
14 answer that yet, but --

15 **VOIR DIRE EXAMINATION**

16 Q. BY MS. SIMON: Do you know where this picture was taken?

17 A. No, I do not. Possibly at the Gaylord. It looks like  
18 that carpet.

19 Q. Okay. And can you identify the person that's in the  
20 picture?

21 A. I cannot identify exactly who that is, no.

22 MS. SIMON: The Union has no objection to it, to a  
23 picture of someone assembling a piece of truss. But beyond  
24 that for the purpose of showing who is doing it or where it's  
25 being done or under what circumstances or whether it's a

1 rigger or an AV tech or anyone else, we would object that  
2 there's no foundation for that in this picture.

3 HEARING OFFICER ANDELA: I'll say to the extent it shows  
4 truss building, which Mr. Lyden has testified is performed by  
5 riggers and AV techs, with the caveat that we don't know who  
6 this individual is or where he's doing it, but that it shows  
7 truss building, it's admitted into evidence. And the reader  
8 of the record can afford the weight --

9 MR. SHANKMAN: All the weight it deserves.

10 HEARING OFFICER ANDELA: -- he or she, yeah.

11 **(Employer's Exhibit 7 received in evidence.)**

12 HEARING OFFICER ANDELA: So I have a couple of things  
13 quick. You mentioned cross-trained technicians. Now, is  
14 that -- is there a specific classification for those folks,  
15 or is that just there are certain people identified as cross-  
16 trained?

17 THE WITNESS: So no specific classification. These are  
18 technicians who have shown interest in pursuing the route of  
19 rigging and have thrown their name into the hat to be -- to  
20 go down to Florida or wherever rigging training may be given  
21 and take the class. And if they pass the class, they're  
22 considered cross-trained or rigging certified.

23 HEARING OFFICER ANDELA: Is this a term that's used  
24 across facilities?

25 THE WITNESS: Yes.



1           HEARING OFFICER ANDELA: Okay. Is it a one-way street?  
2 Are there cross-trained technicians -- are there cross-  
3 trained riggers?

4           THE WITNESS: Yes.

5           HEARING OFFICER ANDELA: There are riggers who -- I mean  
6 we haven't talked about training for AV, but are there -- how  
7 does a rigger get designated as cross-trained?

8           THE WITNESS: The cross-traineds can be anybody who has  
9 done any training. Like there are many riggers who have  
10 extensive lighting knowledge or extensive electrical  
11 knowledge or extensive video knowledge. They can be  
12 considered individuals who in a pinch if we need to or we  
13 request or ask if they can handle a task that may be more  
14 geared towards video or audio or lighting.

15          HEARING OFFICER ANDELA: Is this a function of you being  
16 familiar with the technicians that you work with, or is this  
17 like memorialized somewhere, like in an employee's file? Do  
18 they get points or certificates?

19          THE WITNESS: No. This is just something that I'd be  
20 familiar with or another director or operations manager would  
21 be familiar with.

22          HEARING OFFICER ANDELA: So when we talked about the  
23 cross-trained technician, when you were talking about them  
24 earlier, that's within the 15 to 20 AV techs that you said  
25 are assigned to your facility? The ones you were talking

1 about that did cross-training when they were in --

2 THE WITNESS: Yes. There are I believe two actually.

3 HEARING OFFICER ANDELA: And, again, this is when I'll  
4 call them home-based, the riggers assigned to your property  
5 when they are not there. So about that, when you say they're  
6 not there, is -- and maybe it varies from time to time, is it  
7 that they are home or are they on loan to another --

8 THE WITNESS: They could be at another property, or they  
9 could just not be scheduled because we did not require them  
10 to come in and we've assigned that task to audio visual  
11 technicians.

12 HEARING OFFICER ANDELA: And are these -- we talked  
13 about the weekly labor call. If needs arise in between  
14 weekly labor calls, how do you handle?

15 THE WITNESS: We'll get in direct contact with typically  
16 the DETs or managers, operations managers or rigging  
17 coordinators assigned to those properties.

18 HEARING OFFICER ANDELA: So when the riggers assigned to  
19 we'll just say assigned to your property, when they're not  
20 there, is there a protocol as rigging work arises on -- like  
21 is there a hierarchy? Do you go straight over to the  
22 cross-trainings, or do you ask another facility first if they  
23 have any riggers?

24 THE WITNESS: No. There -- we would -- I mean typically  
25 the rigging coordinator would get in touch with his home

1 riggers first. And if they're available, they come in. If  
2 not, he'd reach out to the other riggers at other properties.  
3 There may be a schedule or something that has gone out so we  
4 can see if they are available. So we really isolate those.  
5 But in terms of cross-trained, they never -- if we're doing  
6 aerial rigging or hung rigging, typically they wouldn't just  
7 be by themselves.

8 HEARING OFFICER ANDELA: Okay. All right, that's --

9 MR. SHANKMAN: Just one follow-up.

10 HEARING OFFICER ANDELA: Sure.

11 **REDIRECT EXAMINATION (cont.)**

12 Q. BY MR. SHANKMAN: The Hearing Officer used a terminology  
13 if there's rigging, who would you contact, and you said the  
14 rigging coordinator. Does that apply to all rigging, or is  
15 there some rigging that you wouldn't go through the rigging  
16 coordinator?

17 A. Ground-supported rigging we would not go through the  
18 rigging coordinator.

19 MR. SHANKMAN: Nothing further.

20 **RECROSS-EXAMINATION**

21 Q. BY MS. SIMON: Could the ground-supported rigging be  
22 done by other AV companies when they're on site?

23 A. Yes.

24 Q. And how about aerial rigging or hung rigging, could that  
25 be done by other AV companies when they're on site?

1 A. No.

2 **(Pause.)**

3 HEARING OFFICER ANDELA: Do you have anything further?

4 MS. SIMON: No, nothing further.

5 MR. SHANKMAN: One follow-up to that.

6 **FURTHER REDIRECT EXAMINATION**

7 Q. BY MR. SHANKMAN: Why can't an outside AV company do  
8 aerial or hung rigging?

9 A. We would have -- we have exclusivity over that, and we  
10 are tasked with maintaining the rigging points. And  
11 basically because of an overall safety factor involved in  
12 that task.

13 Q. And so it's not because they don't have the skills to do  
14 it.

15 A. Correct.

16 Q. It's because we own -- PSAV owns the points.

17 A. Correct.

18 MR. SHANKMAN: Nothing further.

19 HEARING OFFICER ANDELA: And just one follow-up. I may  
20 have missed it, you may have said it, but when you talk about  
21 the cross-traineds, are they restricted to ground supported  
22 or can they do the other?

23 THE WITNESS: With supervision, they can do the hung.

24 HEARING OFFICER ANDELA: And supervision by?

25 THE WITNESS: By a rigging coordinator.

1 HEARING OFFICER ANDELA: Rigging coordinator.

2 MR. SHANKMAN: I'm sorry, but you just sparked a  
3 question.

4 HEARING OFFICER ANDELA: Yeah.

5 Q. BY MR. SHANKMAN: Do riggers assigned to your hotel, the  
6 four, the three full-time and the one part-time, do they ever  
7 do rigging other than aerial rigging?

8 A. Yeah, absolutely, they do.

9 Q. So the rigging that you said the ground-supported  
10 rigging, you wouldn't go to the rigging coordinator. Who  
11 would do that typically in your hotel?

12 A. So the ground supported would typically be done by the  
13 audio visual technicians. But we've had truss arch  
14 structures that have been set up by a rigging team or  
15 riggers.

16 Q. And the truss arch structure, I dare not break the video  
17 out again, but that's the structure that goes over the  
18 doorway?

19 A. That is correct.

20 Q. All right. And that structure has been built -- is it  
21 correct to say that's been built both by AV technicians as  
22 well as riggers?

23 A. Correct.

24 Q. At your property.

25 A. Yes.

1 MR. SHANKMAN: Nothing further.

2 HEARING OFFICER ANDELA: Anything else?

3 MS. SIMON: No, nothing further. Thanks.

4 HEARING OFFICER ANDELA: All right. Mr. Lyden, you may  
5 be excused.

6 THE WITNESS: Thank you.

7 **(Witness excused.)**

8 **HEARING OFFICER ANDELA: So let's go off the record for**  
9 **a moment.**

10 **(Off the record from 5:32 p.m. to 5:34 p.m.)**

11 HEARING OFFICER ANDELA: Mr. Shankman, if you'd call  
12 your next witness?

13 MR. SHANKMAN: The Employer calls Aaron Smith.

14 HEARING OFFICER ANDELA: Mr. Smith, can you raise your  
15 right hand?

16 (Whereupon,

17 **AARON SMITH**

18 was called as a witness by and on behalf of the Employer and,  
19 after having been duly sworn, was examined and testified, as  
20 follows:)

21 **DIRECT EXAMINATION**

22 Q. BY MR. SHANKMAN: Good evening.

23 A. Good evening.

24 Q. That's scary, we're talking evening. Would you state  
25 your full name, please?

- 1 A. Aaron Smith.
- 2 Q. Mr. Smith, do you work for PSAV?
- 3 A. Yes.
- 4 Q. In what capacity?
- 5 A. I'm the area manager for Washington, D.C.
- 6 Q. Do you wear two hats at the present time and one in
- 7 addition to area manager?
- 8 A. Yes.
- 9 Q. Okay. What's the other half?
- 10 A. Director at the JW Marriott.
- 11 Q. For how long have you been the director at JW Marriott?
- 12 A. Three to four years.
- 13 Q. Is the -- how long have you been area manager?
- 14 A. Since November.
- 15 Q. Of 2018?
- 16 A. Yes.
- 17 Q. Okay. So congratulations.
- 18 A. Thank you.
- 19 Q. What is the role of an area manager, and how does that
- 20 differ from a DET?
- 21 A. Well, as the area manager, I oversee several hotel
- 22 locations, including wearing a second hat as the DET at JW
- 23 Marriott. But I oversee the directors and operations at
- 24 other venues as well.
- 25 Q. How many venues do you have?

- 1 A. Approximately 8, 8 to 10.
- 2 Q. Okay. So your role as area manager --
- 3 A. They're still growing.
- 4 Q. It's growing, is that what you said?
- 5 A. Yes, yes, my area is growing.
- 6 Q. Okay. And I think you said you've been the director at
- 7 JW for the last 3 or 4 years?
- 8 A. Yes.
- 9 Q. Do you have any riggers from the rigging team or the
- 10 rigging group that we've heard about? Are any of them
- 11 assigned to your department -- to your hotel?
- 12 A. No.
- 13 Q. Do you have rigging at your hotel?
- 14 A. Yes.
- 15 Q. What type of rigging do you have at your hotel?
- 16 A. At the JW Marriott, they have the sky hooks, or the
- 17 BusPorts we call them, to where we can only do dead hangs at
- 18 JW Marriott.
- 19 Q. What's a dead hang?
- 20 A. A dead hang is where we don't use any chain motors. We
- 21 only use the crank -- the Genie crank towers or -- that's how
- 22 we normally put the truss up in the air when we use truss.
- 23 Or we just use the T-bars on the sky hooks to where we can
- 24 hang right to the actual fixture.
- 25 Q. Okay. So you've got the sky hooks and then you -- but



1 you do use truss from time to time?

2 A. Time to time, we do use truss. Normally we just use the  
3 sky hooks in there or ground supported, truss arches, or most  
4 of our projection is done from the rear of the room on sticks  
5 of truss.

6 Q. Okay. Let's start with that. What's a stick of truss?

7 A. Well, it's a 10-foot stick of truss is what we normally  
8 use, same truss you'd use for when you fly the equipment in  
9 the air, same truss. We just use it on a base to where we're  
10 able to put a projector on top or sometimes even lighting, do  
11 stage washes on top of it and project from the rear of the  
12 room to our screen.

13 Q. Okay. So you're using the term "stick." Is it a  
14 ground-supported pole?

15 A. No. I don't know how you -- I don't know another way to  
16 explain it. Just in the AV terms, we just -- a 10-foot piece  
17 of truss. I don't know --

18 Q. We've seen the video of truss that goes in the air, and  
19 you've got Exhibit 7 in front of you.

20 A. I was going to point to this, but it's this right here.

21 Q. Oh, so you're referring to Employer's Exhibit 7.

22 A. Yes, sir.

23 Q. It's the same type of truss, but --

24 A. Same type of truss.

25 Q. -- instead of going horizontal, it goes vertical?

1 A. Yes.

2 Q. Perfect. And then is that -- is there any assembly  
3 that's associated with that?

4 A. Yes. You use the same bolts with the base. It's  
5 normally like a -- I believe it's a 50-pound base that goes  
6 on the bottom of it. I could be wrong on the weight. But  
7 you bolt it to the actual truss, and it stands upright.

8 **(Employer's Exhibit 8 marked for identification.)**

9 Q. BY MR. SHANKMAN: I'll show you what I'll mark for  
10 identification as Employer's Exhibit Number 8. I'd turn your  
11 attention to right in the middle of the picture there is a --  
12 there's something with a light on top. Can you -- is that --

13 A. That's a 10-foot stick of truss on a base with a couple  
14 of lights and fixtures on it.

15 Q. Okay. And is putting that truss together considered  
16 rigging?

17 A. Yes, sir.

18 Q. Okay.

19 MR. SHANKMAN: Move for the admission of Employer's 8.

20 HEARING OFFICER ANDELA: Any objection?

21 MS. SIMON: No objection.

22 HEARING OFFICER ANDELA: Employer's 8 is admitted.

23 **(Employer's Exhibit 8 received in evidence.)**

24 Q. BY MR. SHANKMAN: Now, we've heard the term "ground-  
25 supported trusses" as well. Do you do ground-supported truss

- 1 in your location?
- 2 A. Yes, sir.
- 3 Q. Is the stick that we just identified of truss, is that
- 4 also a form of ground-supported truss?
- 5 A. Yes, sir.
- 6 Q. Do you do the ground-supported arches?
- 7 A. Yes, sir.
- 8 Q. And who puts those together?
- 9 A. My AV technicians.
- 10 Q. And is that rigging?
- 11 A. Yes.
- 12 Q. All right. And then the -- you talked about the truss.
- 13 Again, when you're using the word "truss," we're still
- 14 talking about that same piece of metal in a square, right,
- 15 just used differently.
- 16 A. Yes, sir.
- 17 Q. Okay. So when you talked about the truss that gets
- 18 cranked up, can you describe that for us?
- 19 A. Those are normally two Genie towers where you have sort
- 20 of like a fork on it to where you put in between the truss
- 21 and then it cranks up to the actual sky hooks and then it's
- 22 secured to the sky hooks.
- 23 Q. Okay. So when the truss is -- are you familiar with the
- 24 term "working level"?
- 25 A. Um-hum.

1 Q. Yes?

2 A. Yes.

3 Q. Okay. And when the truss is at working level, are  
4 you -- I assume that you're attaching it to the ceiling, do  
5 you put gear -- do you attach gear to the truss when it's on  
6 the ground or at working level, or do you put it up in the  
7 air?

8 A. A lot of times when we do the dead hangs like that, we  
9 attach the fixtures once the truss is secured in the air.

10 Q. So who --

11 A. It's normally if it's -- it depends on what we're  
12 actually putting up. But normally if we're putting lighting  
13 up, we'll attach the lighting fixtures once they get -- once  
14 the truss gets secured in the air.

15 Q. Okay. So the truss attaches to the sky hook.

16 A. Yes.

17 Q. Right. And who -- you do that through a crank that will  
18 elevate the truss up to the sky hook?

19 A. Yes.

20 Q. And then who does that work in your hotel?

21 A. It can be either. If we're doing a -- just a simple  
22 set, just my regular guys that work at the hotel on the  
23 regular, you know, they'll do it.

24 Q. What classification is your regular guys?

25 A. Just my AV technicians. I don't have any riggers.

1 Q. Okay. And then under what circumstances -- well, let's  
2 finish that. When your AV techs would attach the truss to  
3 the sky hook, is it your testimony then that they would  
4 then -- how would they get up to the sky hook to attach the  
5 lights and things like that?

6 A. The lift.

7 Q. So they would go in a scissor lift?

8 A. Yes, scissor lift.

9 Q. And then they would attach the lights to that truss the  
10 same way that they would attach lights to any other truss?

11 A. Yes.

12 Q. So there's nothing fancy about --

13 A. No.

14 Q. -- or different about it.

15 A. No.

16 Q. Okay. And then you said -- I think you said sometimes  
17 riggers may be called in to put that kind of truss up.

18 A. Yeah.

19 Q. Under what circumstances would a rigger --

20 A. If we're doing a large event and we need additional  
21 support anyway, we'll bring in the riggers to help us put the  
22 rigging here. And that doesn't happen that often at the JW  
23 Marriott. But when we do need -- we're doing a larger event,  
24 it makes sense just to bring riggers in as opposed to regular  
25 JV technicians. We'll bring them in to support our team.

1 Q. All right. How often does that happen? In other words,  
2 who is doing the majority of rigging in your hotel?

3 A. My technicians.

4 Q. How often would you say that riggers are -- those who  
5 are titled as riggers, how often would you say they're  
6 brought into your hotel?

7 A. I would say 80 percent of the rigging done is from my  
8 technicians. So about 20 percent of the time they're  
9 bringing in.

10 Q. Is there a cafeteria at your hotel?

11 A. Yes, sir.

12 Q. Do the riggers get to eat there?

13 A. Yes.

14 Q. Do the technicians get to eat there?

15 A. Yes.

16 Q. Do they both -- how do the riggers clock in at your  
17 hotel?

18 A. The AV office.

19 Q. Is there a different AV office for the technicians?

20 A. No.

21 Q. So they clock in, in the same spot?

22 A. Yes, sir.

23 Q. If they want to take a break, where would either group  
24 of employees take a break?

25 A. Normally, cafeteria.

1 Q. If you have -- have you ever had a circumstance where a  
2 rigger engaged in conduct at your property that you didn't  
3 agree with?

4 A. You said?

5 Q. Have you ever had a circumstance where a -- well,  
6 actually, let me back up. If you have an AV technician who  
7 is engaging in conduct at your property that you think is  
8 inappropriate, what, if anything, would you do in response to  
9 that?

10 A. I would do whatever disciplinary action is necessary.

11 Q. Okay. Replace AV technician in that example with a  
12 rigger.

13 A. Same thing.

14 Q. Same thing?

15 A. I would do whatever --

16 MS. SIMON: Same objection.

17 HEARING OFFICER ANDELA: Sorry, you said?

18 MS. SIMON: Just noting the same objection regarding the  
19 documents.

20 HEARING OFFICER ANDELA: Oh, for 8?

21 MS. SIMON: No, regarding the subpoena.

22 HEARING OFFICER ANDELA: Oh, that you didn't get that,  
23 okay.

24 MS. SIMON: I'm just noting that objection.

25 HEARING OFFICER ANDELA: Right, disciplinary.

1 MS. SIMON: Thank you.

2 Q. BY MR. SHANKMAN: Well, have you ever had occasion to  
3 discipline a rigger?

4 A. Yes.

5 Q. Verbally or in writing?

6 A. I believe it was both. It was years ago. It was a few  
7 years back. But yes.

8 Q. Okay. Was it before January 1 of 2018?

9 A. Yes.

10 Q. Okay.

11 MR. SHANKMAN: For the record, that would not be  
12 encompassed by the subpoena then.

13 Q. BY MR. SHANKMAN: Do you think that you have the  
14 authority to discipline a rigger on your property?

15 A. Absolutely.

16 HEARING OFFICER ANDELA: Just to clarify.

17 MR. SHANKMAN: Yes.

18 HEARING OFFICER ANDELA: On your own or in conjunction?  
19 Do you think you'd have to consult with anyone or --

20 THE WITNESS: On my own.

21 HEARING OFFICER ANDELA: -- can it begin and end with  
22 you?

23 THE WITNESS: On my own. Yes.

24 Q. BY MR. SHANKMAN: One last thing. I think you were in  
25 the room, but we used the term "labor call" with a number of



1 witnesses, right?

2 A. Um-hum.

3 Q. Do you know what that is?

4 A. Yes.

5 Q. What is it?

6 A. That's a call that we use for all for regions, but we do  
7 several calls a week to where we look at what hotel needs  
8 additional support, and we try to find out how we can support  
9 that hotel from our other locations as well.

10 Q. Do you rotate AV technicians from other properties into  
11 your hotel from time to time?

12 A. Yes.

13 Q. Do you rotate your technicians out from time to time?

14 A. Yes.

15 Q. And then if you have a bigger rigging event, is that  
16 where you would -- during that call you would identify what  
17 you need for that rigging event?

18 A. Yes. I would normally reach out to our workforce  
19 manager.

20 Q. Okay.

21 A. Deals with a lot of our labor. He will take care of a  
22 lot of that as well.

23 Q. Who is the workforce manager?

24 A. That would be Carey Pointer.

25 Q. Carey Pointer?

1 A. Yes.

2 Q. I have nothing else. Thank you, sir.

3 HEARING OFFICER ANDELA: Ms. Simon?

4 MS. SIMON: Can I just take one quick moment?

5 HEARING OFFICER ANDELA: Sure. We've got 14 minutes.

6 **Off the record.**

7 **(Off the record from 5:45 p.m. to 5:47 p.m.)**

8 MS. SIMON: No questions. Thanks.

9 HEARING OFFICER ANDELA: If I can just look at  
10 Employer 8. Did you move 8 into evidence?

11 MR. SHANKMAN: I did.

12 HEARING OFFICER ANDELA: Yeah, okay. If it's not, any  
13 objection to 8, Ms. Simon, did you --

14 MS. SIMON: No objection.

15 HEARING OFFICER ANDELA: Okay. If it's not already in,  
16 Employer 8 is in. I just have a question. It looks like  
17 these sticks of truss, are they wrapped in fabric or some  
18 kind of --

19 THE WITNESS: Yes, a spandex piece. It's called a truss  
20 sock.

21 HEARING OFFICER ANDELA: And who does that?

22 THE WITNESS: My technicians.

23 HEARING OFFICER ANDELA: AVs. Would riggers ever do  
24 that?

25 THE WITNESS: I've never seen one do it. Normally, my

1 technicians do it. But anybody can do it.

2 HEARING OFFICER ANDELA: And one thing about truss  
3 arches. I'm not sure I understand. Is that a curved truss  
4 or is that and/or two sticks with something on top?

5 THE WITNESS: We'll break the video out.

6 HEARING OFFICER ANDELA: Like if something goes across  
7 the top, is that considered an arch?

8 THE WITNESS: Yes. Yeah, like what was in the video  
9 over the door.

10 HEARING OFFICER ANDELA: So can AV techs also do the  
11 part that goes over?

12 THE WITNESS: Yes.

13 HEARING OFFICER ANDELA: Okay. Is there any restriction  
14 on that? Is there a height restriction that they can't --

15 THE WITNESS: No.

16 HEARING OFFICER ANDELA: They're not supposed to, no,  
17 because it's ground supported?

18 THE WITNESS: Yes.

19 HEARING OFFICER ANDELA: Okay. Did that raise anything  
20 for anyone?

21 MR. SHANKMAN: Nope.

22 HEARING OFFICER ANDELA: All right, Mr. Smith, you are  
23 excused.

24 THE WITNESS: Thank you, sir.

25 MR. SHANKMAN: Thank you, sir.

1 HEARING OFFICER ANDELA: Thanks.

2 **(Witness excused.)**

3 HEARING OFFICER ANDELA: Nobody we can squeeze in for --

4 MR. SHANKMAN: Really?

5 HEARING OFFICER ANDELA: All right. So I think before I  
6 say off the record, if there is -- unless anyone has  
7 anything, feel the need to get out on the record today before  
8 we leave, we'll go off the record and come back tomorrow.

9 MR. SHANKMAN: Correct. Noon?

10 HEARING OFFICER ANDELA: Noon. Anything?

11 MS. BICHER: We just had a question as to whether since  
12 Employer 5 was submitted into evidence, whether they could  
13 send us a copy of that video electronically so we would have  
14 it for our record?

15 HEARING OFFICER ANDELA: I wonder if -- I know it  
16 couldn't get to us, but I think that was on our end.

17 MR. WILLATS: It's I mean you'd be better off, we gave  
18 him the jump drive, but you'd be better off just taking it  
19 off of there right now if you have a computer because it's  
20 137 megs.

21 MR. SHANKMAN: Do you have a laptop we could just drop  
22 it to right now?

23 MR. WILLATS: Be able to send it is difficult.

24 MS. BICHER: Yeah, I do. I can put that on my laptop.

25 MR. SHANKMAN: Okay, let's do that.

1           HEARING OFFICER ANDELA: All right. We'll do that and  
2 we'll go off the record now, come back tomorrow.

3           (Whereupon, at 5:50 p.m., the hearing in the above-entitled  
4 matter was continued, to resume the next day, Thursday,  
5 December 20, 2018, at 12:00 p.m.)

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**CERTIFICATION**

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2       This is to certify that the attached proceedings before  
3 the National Labor Relations Board (NLRB), Region 5, in the  
4 matter of **AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV**  
5 **PRESENTATION SERVICES**, Case No. **05-RC-232347**, at Washington,  
6 D.C., on December 19, 2018, was held according to the record,  
7 and that this is the original, complete, and true and  
8 accurate transcript that has been compared to the recording,  
9 at the hearing, that the exhibits are complete and no  
10 exhibits received in evidence or in the rejected exhibit  
11 files are missing.

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18 Tom Bowman

19 Court Reporter